

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21669-2015

Date of Decision:- 31.03.2017

Sudhir @ Babba and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.116 dated 09.09.2013, under Sections 376 and 506 read with Section 120-B IPC, registered at Police Station Mukerian, District Hoshiarpur, on the basis of compromise dated 07.05.2015 (Annexure P-5).

The above mentioned FIR was registered on 09.09.2013, due to some mis-understanding between petitioner No.2 and respondent No.2. Petitioner No.2 solemnized marriage with respondent No.2 in Kali Mata Mandir, Sector 20, Panchkula on 09.10.2013 and got protection from this Hon'ble Court, vide order dated 15.10.2013 and till date both are legally husband and wife. The present FIR was registered against the petitioners due to some unavoidable circumstances. Moreover, now keeping in view the peace and harmony, the matter has now been amicably settled between the parties with the intervention of respectable persons, vide compromise dated 07.05.2015 (Annexure P-2).

As per reply filed by learned State counsel, petitioner No.2 has been acquitted by the trial Court as the prosecution witnesses did not support the version of the prosecution.

On the last date of hearing i.e. 06.02.2017, learned counsel for complainant/respondent No.2 has informed that now husband and wife are living happily together and they are blessed with one child. Thereafter, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 07.05.2015 (Annexure P-2).

In compliance of order dated 06.02.2017 of this Court, the report of the Sub-Divisional Judicial Magistrate, Mukerian, dated 15.03.2017 has been received. As per the report, the statement of the complainant has been recorded and she has no objection, if the present FIR registered against the petitioners is quashed.

Consequently, in view of the above-said facts, statement of complainant and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another, 2008 (2) RCR (Criminal) 910; Madan Mohan Abbot Vs. State of Punjab, 2008(2) RCR (Criminal) 429** and the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.116 dated 09.09.2013, under Sections 376 and 506 read with Section 120-B IPC, registered at Police Station Mukerian, District Hoshiarpur and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 07.05.2015 (Annexure P-5).

The present petition stands disposed of.

March 31, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No