

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25052-2015

Date of Decision:- 17.04.2017

Shambu Nath

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

None for respondent No.2.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.201 dated 23.12.2001, under Sections 498-A, 406, 506 and 34 IPC, registered at Police Station 'A' Division, Amritsar City, District Amritsar; judgment and order dated 07.06.2012, passed by the learned Court of Judicial Magistrate 1st Class, Amritsar and all the subsequent proceedings arising therefrom, on the basis of compromise dated 23.07.2015 (Annexure P-5).

Brief facts of the case are that the marriage of petitioner was solemnized with respondent No.2 on 02.08.1987. After the marriage, accused had started taunting and maltreating the complainant for want of dowry. Due to incompatibility of temperament, both the parties could not

live together as husband and wife. The relationship between them became strained and thereafter, the F.I.R was registered against the petitioners.

Learned counsel for the petitioner submits that the petitioner/accused has been convicted, vide judgment of conviction and order of sentence dated 07.06.2012 (Annexure P-2), by the learned Judicial Magistrate 1st Class, Ferozepur. The appeal against the judgment of conviction is pending consideration before the learned Additional Sessions Judge, Amritsar. Now, with the intervention of the respectables of society good sense has prevailed and both the parties have compromised the matter, vide compromise dated 23.07.2015 (Annexure P-5).

During the course of preliminary hearing, the appellate 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 23.07.2015 (Annexure P-5), by means of order dated 27.09.2016, by this Court.

In compliance of order dated 27.09.2016 of this Court, the report of Additional Sessions Judge, Amritsar, dated 18.02.2017 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the appeal preferred by petitioner is accepted and FIR registered against him is quashed. Statements of the petitioner and complainant have been recorded to the same effect.

Consequently, in view of the above-said report 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**; 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; and in view of judgment of this Court in case of **Lal Chand** Vs. **State of Haryana,** 2009(5) RCR (Crl.) 838, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.201 dated 23.12.2001, under Sections 498-A, 406 , 506 and 34 IPC, registered at Police Station 'A' Division, Amritsar City, District Amritsar is hereby quashed and further the judgment and order dated 07.06.2012 (Annexure P-2), passed by the learned Court of Judicial Magistrate 1st Class, Amritsar, is set aside and the petitioner/accused stands acquitted, in view of compromise dated 23.07.2015 (Annexure P-5).

The present petition stands disposed of.

April 17, 2017
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No