

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26668-2016

Date of Decision:27.03.2017

Dalbir Singh

.....PETITIONER

Vs.

State of Punjab and anr.

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ajay Pal Singh, Advocate for the petitioner.

Mr.APS Gill, AAG, Punjab.

Mr.Arun Singla, Advocate for respondent No.2.

RITU BAHRI J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.79, dated 14.06.2014, for the offence under Sections 406, 498-A of IPC registered at Police Station Women Cell, Patiala, Distt. Patiala (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise effected between the parties in a petition filed by them under Section 13-B of the Hindu Marriage Act and the statements recorded therein.

Briefly stated that petitioner No.1 solemnized marriage with respondent No.2 on 04.11.2012 at Mohali in accordance with Sikh Rites and ceremonies. It is pertinent to mention here that out of the aforesaid wedlock a female child namely Navjot Kaur was born, but unfortunately she died on 07.08.2015. There were temperamental differences between the parties yet they lived together as husband and wife with the hope that they will develop understanding but the efforts proved futile. They could not adjust between themselves and both are living separately since 15.12.2013. Respondent No.2-

complainant got registered the aforesaid FIR (Annexure P-1) against the petitioner and now with the intervention of respectables of the society respondent No.2/complainant had entered into the compromise and both the parties moved an application under Section 13-B of the Hindu Marriage Act jointly and got recorded their statements before the learned Court at Patiala.

During the pendency of the trial, the matter has been resolved between the petitioner and respondent No.2-Shivani Saini, vide compromise effected between the parties in a petition filed by them under Section 13-B of the Hindu Marriage Act and the statements recorded therein.

In compliance with the order dated 29.11.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the JMIC, Patiala, has been received in this regard. As per report, complainant Shivani Saini, Randhir Singh and Gurdial Singh appeared before the Court on 24.01.2017 and got recorded their statement to the effect that they have compromised the matter with the intervention of respectables and they have no objection if the present FIR is quashed. Statement of accused-petitioner was also recorded to the same effect. In view of separate statements of the parties, the Court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and others Vs. State of Punjab and another 2007(3) RCR (CrI.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.79, dated 14.06.2014, for the offence under Sections 406, 498-A of IPC registered at Police Station Women Cell, Patiala,

Distt. Patiala (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

27.03.2017
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No