

CRM No.12634 of 2017 in/and
CRM-M-30738 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.12634 of 2017 in/and
CRM-M-30738 of 2016
Date of Decision: 19.04.2017

Rakesh Kumar and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ajay Pal Singh, Advocate, for the petitioners.

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

Mr.Sandeep Godara, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

CRM No.12634 of 2017

Application is allowed.

Documents i.e. affidavit of petitioners, judgment and decree and copies of statement (Annexure P-3 and P-4 respectively) are taken on record.

Main case

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.127 dated 06.09.2014, for the offence under Sections 494, 417, 418, 419, 420, 120-B IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of compromise dated 18.07.2016 (Annexure P-2).

The marriage of the complainant was solemnized with the petitioner on 13.08.2000 and one female child was born on 22.07.2001. On account of temperamental differences and misunderstanding, the FIR was got registered. During the pendency of the trial, the matter has been compromised (Annexure P-2). The parties were directed to record their statement vide order dated 01.09.2016 but as per report of the JMIC,

Pathankot, parties had not appeared to record their statements.

The petitioner has placed on record copies of judgment and decree of divorce granted to the parties under Section 13B HMA (Annexure P-3), copies of statement on 05.07.2016 (Annexure P-4) and affidavit of the petitioners.

As per statement made by Shashi Bala-respondent No.2 by way of affidavit dated 05.07.2016, she has received Rs.14,00,000/- as maintenance and dowry articles and jewellery towards full and final settlement of her all claims and her daughter. Further she states that she has no objection if the FIR is quashed qua the petitioner and she will assist in quashing of FIR in view of the amicable settlement between the parties by adopting proper procedure. She has also made a statement that she would withdraw application filed by her under Section 127 Cr.P.C.

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 (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

A perusal of the affidavit shows that all the conditions of the compromise have been complied with. Accordingly, FIR No.127 dated 06.09.2014, for the offence under Sections 494, 417, 418, 419, 420, 120-B IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

19.04.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No