

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32747-2016

Date of Decision:- 27.04.2017

Surjeet Kaur and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Dhawan, Advocate, for the petitioners.

Mr. APS Gill, 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.283 dated 22.09.2006, under Sections 406 and 498 IPC, registered at Police Station City Phagwara, District Kapurthala as well as subsequent proceedings arising therefrom including the proclamation of the petitioners as proclaimed offender dated 05.05.2007 passed by the learned SDJM, Phagwara, on the basis of compromise dated 06.08.2010 (Annexure P-4).

Briefly the facts of the case are that the marriage between petitioner No.2 and Surjit Kumari (since deceased), daughter of respondent No.2, was solemnized on 15.06.2005 as per Sikh Religious Rites and Ceremony. 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 petitioners submits that keeping in view the peace and harmony, the matter has been amicably settled between the parties, vide compromise dated 06.08.2010 (Annexure P-4).

On 16.09.2011, Surjit Kumari, daughter of complainant Dial Singh, has made a statement to the effect that as per the compromise I have already received ₹10,000/- in cash from Nachhatar Ram and the remaining amount to be received is ₹5,80,000/- and the said amount is to be received by her through Demand Draft No.552363 dated 15.9.2011, drawn on Oriental Bank of Commerce, Branch Phagwara.

Thereafter, Nachhattar Ram, father-in-law of daughter of complainant, was acquitted, vide judgment dated 20.04.2012 on the ground that all the witnesses had turned hostile.

In the present case, daughter of complainant has since been died and the present petitioners, who are seeking quashing of FIR on the basis of compromise (Annexure P-4), are not in India. At this stage, only question for consideration would be whether the demand draft in question was encashed by daughter of complainant or not and in this fact now can only be verified from complainant/respondent No.2.

Notice was issued to the respondents on 19.09.2016 and complainant-respondent No.2 has been duly served on 12.12.2016 and till date no body has put in appearance on his behalf before this Court.

Taking into consideration all the material brought on record and the fact that all the witnesses had turned hostile and complainant-

respondent No.2 has not chosen to put in appearance, this Court is of the

considered view that no useful purpose would be served in prolonging the present litigation any further keeping in view the statements of the complainant and his daughter.

Accordingly, FIR No.283 dated 22.09.2006, under Sections 406 and 498 IPC, registered at Police Station City Phagwara, District Kapurthala; order dated 05.05.2007 vide which the petitioners have been declared proclaimed offenders and all the subsequent proceedings arising therefrom, are hereby quashed qua petitioners only, on the basis of compromise dated 06.08.2010 (Annexure P-4).

The present petition stands disposed of.

April 27, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No