

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34039-2015

Date of Decision:- 17.03.2017

Kamlesh Rani and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Vivek K. Thakur, Advocate
for Mr. PPS Tung, Advocate
for the petitioners.**

Ms. Manpreet Dhaliwal, AAG, Punjab.

**Mr. S.N. Sharma, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.36 dated 20.06.2013, under Sections 498-A, 406, 494, 506 and 34 IPC, registered at Police Station Women Cell, Bathinda, on the basis of compromise deed dated 26.09.2015 (Annexure P-2).

Brief facts of the case are that petitioner No.3 was married to respondent No.2 on 18.04.2005 and out of the said wedlock, no child was born. 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.

During the course of preliminary hearing, 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 deed dated 26.09.2015 (Annexure P-2), by way of order dated 04.02.2016, by this Court.

In compliance of order dated 04.02.2016 of this Court, the report of the Judicial Magistrate 1st Class, Bathinda, dated 25.02.2016 has been received. As per the report, the statement of the complainant has been recorded on 08.02.2016 and she has compromised the matter with all the accused without any pressure or inducement. She has no objection, if the FIR registered against the petitioners is quashed. However, the statement of none of the petitioners has been recorded and summons issued to them have been returned back unserved.

Perusal of memo of parties shows that petitioner Nos.3 and 4 are presently residing at Italy.

Learned counsel for the petitioners submits that petitioner Nos.1 and 2 are also residing at Italy and 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 deed dated 26.09.2015 (Annexure P-2).

Further, he has placed on record the affidavits dated 07.04.2016, duly signed by the petitioners, attested by Embassy of India, Rome (Italy), to the effect that they have compromised the matter with the complainant.

Today, petitioner No.1-Kamlesh Rani, aged about 71 years, is

present in Court on wheelchair as well.

Consequently, in view of the above-said report, affidavits of the petitioners 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.36 dated 20.06.2013, under Sections 498-A, 406, 494, 506 and 34 IPC, registered at Police Station Women Cell, Bathinda and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise deed dated 26.09.2015 (Annexure P-2).

The present petition stands disposed of.

March 17, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No