

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36122-2016

Date of Decision:- 18.04.2017

Jaswant Rai and others

....petitionerss

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Deepika, Advocate
for Mr. Rajiv Joshi, Advocate, for the petitioners.

Mr. J.S. Riar, Asstt. Advocate General, 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.120 dated 14.10.2012 under Sections 498-A, 506 and 323 IPC, registered at Police Station Rahon, District SBS Nagar and order dated 12.12.2014 (Annexure P-2) vide which petitioner No.3 has been declared proclaimed offender, on the basis of compromise deed dated 26.07.2016 (Annexure P-3).

Brief of the facts of the case are that marriage between complainant and petitioner No.1 was solemnized on 02.03.2008, according to Sikh Religious Rites and Ceremonies. After the marriage, the behavior of accused changed and they have started giving beatings to the complainant on account of demand 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 petitioners submits that now with the intervention of the respectables of society and area, both the parties have

compromised the matter, vide compromise deed dated 26.07.2016 (Annexure P-3).

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 26.07.2016 (Annexure P-3), by means of order dated 07.12.2016, by this Court.

In compliance of order dated 07.12.2016 of this Court, the report of Chief Judicial Magistrate, SBS Nagar, dated 24.01.2017 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 FIR registered against the petitioners is quashed. Statements of the petitioners 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; 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.120 dated 14.10.2012 under Sections 498-A, 506 and 323 IPC, registered at Police Station Rahon, District SBS Nagar; order dated 12.12.2014 (Annexure P-2) vide which petitioner No.3 has been declared proclaimed offender and all the subsequent proceedings arising therefrom, are hereby quashed qua petitioners only, on the basis of compromise deed dated 26.07.2016 (Annexure P-3).

The present petition stands disposed of.

April 18, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No