

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38933-2016

Date of Decision:- 31.01.2017

Gurcharan Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sartej S. Narula, Advocate,
for the petitioners.**

Ms. Manpreet Dhaliwal, AAG, Punjab.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.92 dated 02.10.2015, under Sections 498-A, 406 and 323 IPC, registered at Police Station Women Cell, District Ludhiana, on the basis of compromise deed dated 25.04.2016 (Annexure P-2).

Brief facts of the case are that marriage between Kamalpreet Singh and respondent No.2 was solemnized on 09.06.2013 as per Sikh Rites and Ceremonies at Ludhiana. One male child, namely, Gurliv Singh was born from this wedlock on 12.04.2014. 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 now been amicably settled between the parties with the intervention of respectable persons, vide compromise deed dated 25.04.2016 (Annexure P-2).

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 25.04.2016 (Annexure P-2), by way of order dated 03.11.2016, by this Court.

In compliance of order dated 03.11.2016 of this Court, the report of the Judicial Magistrate 1st Class, Ludhiana, dated 15.11.2016 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 present 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.92 dated 02.10.2015, under Sections 498-A, 406 and 323 IPC, registered at Police Station Women Cell, District Ludhiana and all the subsequent proceedings arising therefrom qua petitioners are hereby quashed, on the basis of compromise deed dated 25.04.2016 (Annexure P-2).

The present petition stands disposed of.

January 31, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No