

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41458-2016

Date of Decision:- 17.03.2017

Jagdev Singh and others

....Petitioners

Versus

Amritpal Kaur alias Jagmeet Kaur

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gurmeet Singh Saini, Advocate, for the petitioners.

Mr. Rishu Mahajan, Advocate, for the respondent.

RITU BAHRI, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C for quashing of complaint No.500 dated 23.05.2008 (Annexure P-1) under Sections 406, 498-A, 323, 506, 148 and 149 IPC; judgment and order dated 16.11.2013, passed by the learned Court of Judicial Magistrate 1st Class, Ferozepur; and all the subsequent proceedings arising therefrom, on the basis of compromise dated 07.11.2016 (Annexure P-3).

Brief facts of the case are that the marriage of petitioner No.1 was solemnized with the complainant-respondent. Out of this wedlock, two children were born out. Thereafter, all the accused persons taunted her on account of less dowry and used to maltreat her. Due due to incompatibility of temperament, both the parties could not live together as husband and wife. The relationship between them became strained and consequently, on

the complaint of complainant, the petitioners were ordered to be summoned for commission of offence punishable under Sections 406, 498-A, 323, 506 and 34 IPC.

Learned counsel for the petitioners submits that all the accused persons have been convicted, vide judgment of conviction and order of sentence dated 16.11.2013 (Annexure P-2), by the learned Judicial Magistrate 1st Class, Ferozepur. The appeal against the judgment of conviction is pending consideration before the learned appellate Court. Now, with the intervention of the respectables of society good sense has prevailed and both the parties have compromised the matter, vide compromise dated 07.11.2016 (Annexure P-3).

During the course of preliminary hearing, the appellate Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 07.11.2016 (Annexure P-3), by means of order dated 21.11.2016, by this Court.

In compliance of order dated 21.11.2016 of this Court, the report of Additional Sessions Judge, Ferozepur, dated 17.02.2017 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 appeal preferred by petitioners is accepted and FIR registered against them 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.**

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; and in view of judgment of this Court in case of **Lal Chand** Vs. **State of Haryana,** 2009(5) RCR (Crl.) 838, no useful purpose would be served in prolonging the litigation.

Accordingly, complaint No.500 dated 23.05.2008 (Annexure P-1) under Sections 406, 498-A, 323, 506, 148 and 149 IPC is hereby quashed and further the judgment and order dated 16.11.2013, passed by the learned Court of Judicial Magistrate 1st Class, Ferozepur, is set aside and the petitioners/accused stands acquitted, in view of compromise dated 07.11.2016 (Annexure P-3).

The present petition stands disposed of.

March 17, 2017
naresh.k

(**RITU BAHRI**)
JUDGE