

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Crl. Misc.No.M-82 of 2016 (O&M)

Date of Decision: July 25, 2017

Manju

...Petitioner

Versus

Kanchan

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajiv Goel, Advocate
for the petitioner.

Ms. Meena Bansal, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 of Cr.P.C. for quashing Criminal Complaint No.76 dated 01.02.2013 filed under Sections 406, 498-A, 323, 506 of Indian Penal Code and all other subsequent proceedings including summoning order dated 30.09.2013.

In brief, the facts as stated are that marriage took place between the petitioner's brother Tinku with the respondent-complainant Kanchan on 06.05.2011, as per Hindu rites and ceremonies at Ambala Cantt. and due to temperamental differences, the parties could not live together and ultimately, the respondent left her matrimonial home and started residing in her parental house. Since the parties were not able to rehabilitate, the

respondent-complainant filed Criminal Complaint No.76 dated 01.02.2013, under Sections 406, 498-A, 323, 506 of Indian Penal Code against her husband, father-in-law, mother-in-law and the present petitioner, who was the married sister-in-law of the respondent-complainant.

Learned counsel appearing on behalf of the petitioner contends that a reading of the allegations of the complaint would show that no specific allegations have been levelled against the petitioner regarding demand of dowry, in fact, the allegations as levelled are general in nature. It is further contended that any allegations of the petitioner physically abusing the respondent-complainant would be belied by the fact that there is no MLR available on the record. In this regard, reliance has been placed upon judgment rendered by the Hon'ble Supreme Court in ***Arnesh Kumar vs. State of Bihar and another***, 2014(8) SCC 273 deprecating the action of roping all family members of husband in a family dispute. Moreover, it has been argued that complainant has suffered a statement before Judicial Magistrate Ist Class, Ambala on 06.03.2017, stating that the matter has been compromised and she and her husband will now take a divorce, while further submitting that she did not want to pursue the present complaint and withdraws the same. Learned counsel for the petitioner urges that the instant petition deserves to be allowed.

Appearance has also been caused by counsel for the respondent-wife, who admits to the fact that both Kanchan, complainant and her husband Tinku have compromised the matter and the complaint filed under Sections 406, 498-A, 323, 506 of Indian Penal Code has been dismissed as withdrawn on 06.03.2017.

I have heard learned counsel for the parties and have also perused the order dated 06.03.2017 passed by Judicial Magistrate Ist Class, Ambala.

The respondent-complainant has suffered a statement that she has compromised the matter and she does not want to pursue the complaint and withdraws the same. Since the very complaint case has been withdrawn by the respondent-complainant, of which quashing has been sought through the instant petition, as such, nothing survives in the instant petition.

In view of the above, no further orders are called for in the instant petition and accordingly, the same is disposed of, as having been rendered infructuous.

July 25, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No