

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-32116 of 2017 (O&M)
Date of decision : March 18, 2019

Rahul Sharma

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Davinder Lubana, Advocate, for the petitioner
Mr. Rakeshinder Singh Sidhu, AAG, Punjab for the State/
respondent no. 1
Mr. Vikramjit Singh, Advocate, for respondent no.2
Petitioner and respondent no. 2 in person

Fateh Deep Singh, J. (Oral)

Report dated 11.10.2018 of learned Sub Divisional Judicial Magistrate, Dera Bassi, District Mohali has been received after recording statements of accused Rahul Sharma as well as complainant Poonam Sharma and the learned court has shown its satisfaction that the compromise is an outcome of voluntariness, free will and without any coercion or undue pressure.

A close look at the records and as has been conceded by the learned State counsel at the bar what is reflective from the report of Gynecologist dated 5.1.2017 abortion of the complainant has occurred due to anaemic conditions and there is specific mention that the patient who happens to be the present complainant Poonam Sharma was accompanied by her mother Rajinder Kaur and had requested for termination of pregnancy due to divorce petition. The same is further corroborated from the consent Form bearing signatures of the complainant and her mother as a witness to it are itself illustrative that it was an unfortunate abortion was got conducted by the pregnant woman and her mother and has nothing to do with causing of mis-carriage without her consent by the accused and therefore, applicability of Sections 313, 316 IPC do not materialize by any means.

In the light of the satisfaction shown by the Court and in view of the fact that it is a pure matrimonial dispute and compromise will go a long way in ironing out the differences and for betterment of their future life and in view of the law laid down in **Gian Singh vs State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Kulwinder Singh and others vs State of Punjab and another, 2007(3) RCR (Criminal) 1052** and in view of which the prayer made in the petition is allowed, proceedings by way of FIR No. 39 dated 12.10.2016 registered at Police Station Women, SAS Nagar, Mohali under sections 313, 316, 498-A IPC and all consequences arising thereof are quashed, qua the present petitioner.

The petition stands allowed in those terms.

March 18, 2019

(Fateh Deep Singh)
Judge

'tiwana'

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No