
(1997) 04 P&H CK 0064

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 4898-M of 1997

Jaswant Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 25-04-1997

Acts Referred:

Citation : (1997) 04 P&H CK 0064

Hon'ble Judges : R.L.Anand, J

Advocate : S.S. Patar, S.B. Goyal, Advocates for appearing Parties

Judgement

R.L. Anand, J.

1. Respondent No. 2 has refused to accept the service. She is proceeded ex parte. Written statement has been filed on behalf of respondent No. 1.

2. Jaswant Singh and Jagmal Singh, petitioners have filed the present petition under Section 482 Cr.P.C. for the quashment of FIR No. 215 dated 21.9.1996, registered at Police Station Mullan under Section 498A IPC.

3. The main plank of the petitioners is that respondent No. 2 Smt. Bala has compromised with the petitioner and she has sunk her difference and to this effect she has also executed a compromise dated 2.11.1996 in the presence of the respectables of the area and so much so she has also given an affidavit on 3.1.1997. In the written statement filed by respondent No. 1 it is being stated that as per allegations of respondent No. 2 an offence under Section 498A IPC read with Section 406 IPC is made out. The FIR in this case was registered on the statement of Smt. Bala respondent No. 2 who had categorically stated in her affidavit dated 3.1.97 that her differences with the petitioners have been compromised with the intervention of the respectables and that she had already received all her dowry articles from her husband and that she had broken her matrimonial ties for all times to come and she is not interested for any legal action against the petitioners. The compromise dated 2.11.1996 has also been perused, in which there is recital that some amount has been paid to the lady.

Perhaps for this reason, respondent No. 2 has not come to contest this petition and has refused to accept the summons in spite of the fact that process server went to her with the summons. When the differences between the petitioners and respondent No. 2 have already been patched up it will be a futile attempt on the part of the State to prosecute the allegations of the FIR against the petitioners.

4. Resultantly, the present petition is hereby allowed. FIR No. 215 dated 21.9.1996 Annexure P.1 is hereby quashed. Petition stands allowed.