
(2013) 07 P&H CK 0372

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 6891 of 2013 (O and M)

Kulwinder Singh and Another

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 23-07-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (2013) 07 P&H CK 0372

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : H.P.S. Ghuman, for the Appellant; D.S. Virk, DAG, Punjab and Mr. Yogesh Goel, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Ritu Bahri, J.—Quashing of FIR No. 93 dated 8.10.2010 under Sections 406, 498-A IPC registered at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P1) is being sought on the basis of compromise (Annexure P-2). The FIR was registered on the statement made by Dalvir Kaur @ Rimpi alleging that she was married on 19.11.2007 with Kulwinder Singh S/o. Gurmail Singh as per Sikh Rites. The couple could not pull along together due to temperamental differences. On the allegations of bringing less dowry and being ill treated by her in-laws the FIR was registered on 8.10.2010.

2. During the pendency of trial a compromise (Annexure P2) was effected between the parties. As per the compromise (Annexure P2), it was agreed that Kulwinder husband of the complainant would pay Rs. 6,60,000/- to her as full and final settlement. Out of the said amount, an amount of Rs. 3,30,000/- is to be given to the complainant at the time of filing of the petition and remaining amount of Rs. 3,30,000/- would be paid by the husband to the complainant at the time of final decision of the case.

3. In compliance of the order dated 1.3.2013, respondent No. 2 has put in

appearance along with her counsel. She has been identified by her counsel. She has filed an affidavit in Court, deposing therein that she has compromised all the matrimonial disputes pending with her husband and has no objection if the FIR in question is quashed.

4. In view of the statements of the parties, the Court is satisfied that the compromise arrived at between the parties is genuine and without any pressure or coercion and no useful purpose would be served by continuing the criminal proceedings.

5. Hon"ble the Supreme Court in the case of Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and Another, has examined a case where quashing was sought of an FIR u/s 498-A IPC being non-compoundable. The Hon"ble Supreme Court has held that:--

Learned counsel for the parties submitted that the parties have settled their differences. It was submitted on behalf of the complainant Smt. Sadhna Madnawat that she is not interested in prosecuting the appellants. It may be pertinent to mention that the parties hail from cultured and educated families. It was also submitted that the appellant's parents are suffering from multiple ailments because of advanced age. The appellant's father is a retired Professor and Dean, Veterinary College, Mathura and he had undergone transplant of his kidney and the appellant's mother is suffering from multiple ailments and is virtually bed-ridden.

6. Consequently, in view of the judgment of the Hon"ble Supreme Court in the case of Dr. Arvind Barsaul etc. versus State of Madhya Pradesh and another (supra), FIR No. 93 dated 8.10.2010 under Sections 406, 498-A IPC registered at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P1) is quashed with all consequential proceedings arising therefrom qua petitioners. The petition stands disposed of.