

(2013) 07 P&H CK 0323
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-18970 of 2013

Neelam Ghumman and Another	Vs	APPELLANT
State of Punjab and Another		RESPONDENT

Date of Decision : 18-07-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 498A

Citation : (2013) 07 P&H CK 0323

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : Nakul Sharma, for the Appellant; Amrit Pal Singh Gill, AAG, Punjab and Mr. Karanvir, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Ritu Bahri, J.—Quashing of FIR No. 85 dated 05.09.2010 u/s 498-A of IPC registered at Police Station Basti Bawa Khel, Jalandhar (Annexure P1) is being sought on the basis of compromise dated 16.04.2013 (Annexure P-2). The parties were married on 11.09.2008 and due to some differences between the parties, they could not stay together as husband and wife. All efforts to bring about a compromise failed and they separated on 16.07.2010. No children was born out of this wedlock. In this background, the FIR was registered.

2. Now the matter has been amicably settled and compromise dated 16.4.2013 (Annexure P-2) has been effected. The parties have entered into a separation Agreement Annexure P3 in UK.

3. In compliance of the orders dated 31.05.2013, status report dated 01.07.2013 has been received from the Judicial Magistrate First Class, Jalandhar. As per this report, the statement of the complainant-Neha Ghai has been recorded on 01.07.2013 to the effect that she has compromised the matter and the compromise deed is placed on record as Annexure P-2 and she has no objection if the FIR in the present case is quashed.

4. 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 bedridden.

5. Consequently, in view of the judgment of the Hon''ble Supreme Court in the case is Dr. Arvind Barsaul etc. versus State of Madhya Pradesh and another (supra), FIR No. 85 dated 05.09.2010 u/s 498-A of IPC registered at Police Station Basti Bawa Khel, Jalandhar (Annexure P1) is quashed with all consequential proceedings arising therefrom qua petitioners. Petition is disposed of.