
(2013) 08 P&H CK 0441

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-40538 of 2012 (O and M)

Rajbir Singh Rai and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Hindu Marriage Act, 1955 — Section 13B

Penal Code, 1860 (IPC) — Section 120B, 418, 468, 471, 494

Citation : (2013) 08 P&H CK 0441

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : Navdeep Monga, for the Appellant; Amrit Pal Singh Gill, AAG, Punjab and Mr. P.S. Ahluwalia, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Ritu Bahri, J.—Quashing of FIR No. 364 dated 03.10.2009 under Sections 494/495/418/468/498A/471/120-B IPC, registered at Police Station Tripari Town, Distt. Patiala (Annexure P1) is being sought on the basis of compromise dated 17.12.2012 (Annexure P-2). The FIR was registered on the statement made by complainant-Shaminder Kaur alleging that on 20.11.2007 her marriage was solemnized with Rajbir Singh Rai according to Sikh rites. There is no child from this wedlock. Due to misunderstanding, certain issues arose between the parties and she has been harassed on account of willingness dowry, which gave rise to registration of the above-said FIR.

2. During the pendency of trial, a compromise has been effected between the parties on 17.12.2012 (Annexure P-2).

3. Learned counsel for respondent No. 2 has filed an affidavit of respondent No. 2 -Shaminder Kaur, who is present in Court. She has been identified by his counsel. The divorce petition filed u/s 13-B of Hindu Marriage Act was decreed on 31.7.2013. Now nothing is due to her from the petitioners and she has no objection if the FIR in the present case is quashed.

4. After going through the said affidavit, 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. Consequently, in view of the above circumstances and in view of the judgment of the Hon"ble Supreme Court in the case of Madan Mohan Abbot vs. State of Punjab 2008 (4) S.C.C. 582 and the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Others Vs. State of Punjab and Another, dated 03.10.2009 under Sections 494/495/418/468/498A/471/120-B IPC, registered at Police Station Tripari Town, Distt. Patiala (Annexure P1) is quashed with all consequential proceedings arising therefrom qua petitioners. Petition is disposed of.