
(1998) 04 P&H CK 0071

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 247-M of 1998

Sudesh Kumari

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 30-04-1998

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498A

Citation : (1999) 2 DMC 191

Hon'ble Judges : B. Rai, J

Bench : Single Bench

Advocate : Vinod Arya, for the Appellant; A.R. Sidhu, AAG for Respondent No. 1 and B.R. Gupta, for the Respondent

Judgement

B. Rai, J.—This petition u/s 482, Cr.P.C. has, been filed with a prayer to quash FIR No. 64 dated 1.11.1996 u/s 498-A/406, IPC registered at Police Station, Nangal Township, District Ropar.

2. Briefly stated the facts of the case are that the marriage between Yogesh Soni, petitioner No. 3 and Neelam, respondent No. 3 was solemnised on 19.10.1996 at village Bhanupali, Tehsil Anandpur Sahib according to Hindu rites and ceremonies. Shortly after the marriage differences cropped up between the parties and on this Shri Sukhdev Chaudhary, the real uncle of Neelam lodged a report with the police on the basis of which case FIR No. 64, dated 1.11.1996, u/s 498-A/406, IPC was registered at Police Station, Nangal Township.

3. In response to the notice of motion respondents have put in appearance. They expressed their desire to make the statements. Their statements were separately recorded. It was stated by Sukhdev Chaudhary complainant that Neelam being the daughter of his brother Sat Pal is his niece. Marriage of Neelam with Yogesh Kumar petitioner was solemnised in October, 1996 according to Hindu rites. After some time of the marriage, petitioners started maltreating her on account of inadequate dowry and started raising demands for more dowry.

Efforts were made to satisfy the petitioners. Thereafter, he made complaint to the police of Police Station, Nangal Township on the basis of which the impugned FIR was registered. After the registration of the case, their common friends and relatives intervened and a compromise was effected. It was stated by him that an ex-parte decree of divorce has been obtained from a Court. He further stated that he does not want to pursue the criminal proceedings qua the petitioners as he does not intend to support the allegations against the petitioners at the trial as Neelam and Yogesh Kumar have parted company for all times to come and that he has no objection if the FIR is quashed. She accepted the statement made by Yogesh Kumar as correct. She further stated that she has withdrawn all the allegations against the present petitioners.

4. In view of the statements made by Sukhdev Chaudhary and Neelam, if the criminal proceedings are allowed to continue that would be an exercise in futility especially when the aggrieved parties are not going to support prosecution version contained in the FIR. That would also amount to abuse of process of law and wastage of money and public time which would not be in the interest of justice. Therefore, I am of the view that the impugned FIR deserves to be quashed, accordingly the same is quashed.