

(2007) 07 P&H CK 0188

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 38502-M of 2007

Kanwarjit Singh and Another

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: July 16, 2007

Acts Referred:

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

Hon'ble Judges: Surya Kant, J

Bench: Single Bench

Advocate: Bikramjit Arora, for the Appellant; K.S. Pannu, AAG, Punjab and Mr. Ranjit S. Dhiman, for the Respondent

Final Decision: Allowed

Judgement

Surya Kant, J.

The prayer in this petition is for quashing of F.I.R. No. 31 dated 16.1.2007 under Sections 406, 498-A IPC, registered at Police Station, Phase-I, Mohali and all the subsequent proceedings arising therefrom.

2. Petitioner No. 1 got married to Respondent No. 2 on 9.3.2003. Petitioner No. 2 is mother of Petitioner No. 1. Two children, namely, one son and one daughter were born out of the wedlock on 30.5.2004 and 13.7.2005 respectively. It is alleged that due to temperamental differences, Respondent No. 2-the wife got registered the impugned F.I.R. against the Petitioners. Similarly, Petitioner No. 1 is stated to have filed a case against his wife, namely, Respondent No. 2 in a Court in California (U.S.A.) where he had earlier resided.

3. It is further averred that the parties have amicably resolved their dispute and are residing together as husband and wife happily. On this premise, the quashing of the F.I.R. has been sought while acknowledging the compromise. Both the parties have executed a compromise deed dated 8.4.2007 (Annexure P-2).

4. Notice of motion was issued and in response thereto, Respondent N.2 has put in appearance along with her counsel. She has also made a separate statement on oath to the effect that she has no objection if the impugned F.I.R. is quashed. Similarly, Petitioner No. 1 has given an undertaking for withdrawal of the case filed by him against his wife in California (U.S.A.).

5. After hearing learned Counsel for the parties and having regard to the fact that both the parties have resolved their dispute amicably and are living together as husband and wife and in the interest of peace and harmony and also keeping in view the guidelines laid down by the Hon"ble Supreme Court in the case of B.S. Joshi and Ors. v. State of Haryana and Anr. 2003 (2) RCR (Cri.) 888, this petition is allowed and the impugned F.I.R. No. 31 dated 16.1.2007 under Sections 406, 498-A IPC, registered at Police Station, Phase-I, Mohali and all the consequential proceedings arising therefrom, are hereby quashed.