

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10228-2015 (O&M)
Date of Decision: October 15, 2015

Rohit Ahuja and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Surinder Gandhi, Advocate,
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG, Haryana,
for respondent No. 1.

Mr. Parminder Singh, Advocate,
for respondent No. 2.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by Rohit Ahuja, Smt. Nisha Ahuja and Pooja Ahuja, for quashing of FIR No. 07, dated 13.1.2014 (Annexure P-1), for the offences punishable under Sections 323, 406, 498-A and 506 read with Section 34, IPC, registered at Police Station, Sadar, Ambala, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 19.5.2015, the following order was passed:

“ Reply by way of affidavit of Pankhuri Kumar, Assistant Commissioner of Police (H.Q.), Ambala has been filed on behalf of respondent No. 1.

Learned counsel for respondent No. 2 does not dispute the compromise.

The parties are directed to appear before the trial Court on 07.07.2015 for recording their statements on the compromise.

The trial Court would record statements of the parties on the terms of written compromise and report whether the compromise is genuine and without any pressure or coercion. The trial Court will send report alongwith original statements of parties and the compromise before the next date.

List on 28.09.2015.”

In view of above, all the three petitioners and respondent No. 2/informant, Meenu, did appear before learned Judicial Magistrate First Class, Ambala, and got recorded their respective statements with regard to the compromise. Copies of the statements of the affected parties and the report has been received from the learned Court below. Respondent No. 2/informant, Meenu, stated that on 23.03.2015 compromise (Ex.P-1) was effected with Rohit and his family members. In terms of the compromise, a petition under Section 13-B of the Hindu Marriage Act was filed and on first motion rupees three lacs were paid to her.

Remaining rupees two and a half lacs were to be given by Rohit on second motion. The compromise was effected with her consent and she does not want to take any further action in the matter.

Similarly, a joint statement was suffered by the petitioners admitting the factum of the compromise. The operative part of the report received from learned Judicial Magistrate First Class, Ambala, reads as under:

“Complainant Meenu suffered a statement that she has compromised the matter with Rohit and his family members on 23.03.2015. The copy of compromise is Ex. P1. As per compromise she has received Rs. 3 lacs in cash at the time of first statement in petition under Section 13-B of Hindu Marriage Act and Rs. 2.5 lacs is still due towards Rohit which will be paid at the time of second statement. The compromise is entered as per her own volition and as per compromise she does not want any action against the accused. Accused Rohit Ahuja, Smt. Nisha Ahuja and Pooja suffered a joint statement that the matter has been compromised in FIR No. 07 dated 13.01.2014. As per compromise they filed petition under section 13-B of Hindu Marriage Act and Rs. 3 lacs has been given to complainant Meenu at the time of first statement and Rs. 2.5 lacs will be given at the time of second statement. They prayed that no action be taken against them as per the compromise. The complainant and accused were duly identified by their respective counsels. The under signed has also asked questions to the parties with regard

to the voluntary nature and genuineness of the compromise and from the response as well as conduct of both the parties, this court is satisfied that the compromise annexure P1 is genuine, credible and voluntary in this case. All the parties i.e. complainant, Meenu as well as the accused, Rohit Ahuja, Nisha Ahuja and Pooja are present in the court.”

Perusal of the report received from learned Court below reveals that the compromise so effected between private parties is voluntary in nature and genuine one.

Learned counsel for respondent No. 2/informant very fairly concedes that due to intervention of the respectable and elderly people of the society, the matter has been sorted out and petitioner No. 1 (husband) and respondent No. 2 (wife) have resolved the matrimonial dispute by parting company with each other and, as such, he has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

Learned counsel for the State on instructions from ASI Balkar Singh of Police Station, Sadar, Ambala, has also admitted the factum of the compromise and has no objection if the impugned FIR and the consequential proceedings arising therefrom are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going

through the material available on record, this Court finds that the impugned FIR and the consequential proceedings had arisen out of a matrimonial dispute. During pendency of the same, better sense has prevailed and both the private factions have resolved their dispute and effected a compromise. The affected parties did appear before learned Court below and got recorded their respective statements. The report from the learned Court below has also been received.

It has also been submitted by all the counsel representing their respective parties that pursuant to a petition filed under Section 13-B of the Hindu Marriage Act, on 3.10.2015 a decree of divorce by mutual consent has already been passed by the Court of competent jurisdiction. All the terms and conditions of the compromise have been materialized.

In view of above, pendency of the impugned FIR and the consequential proceedings emanating therefrom would be sheer abuse of the process of law since the chances of ultimate conviction and sentence of the petitioners are bleak.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888, present petition is accepted and FIR No. 07, dated

13.1.2014 (Annexure P-1), for the offences punishable under Sections 323, 406, 498-A and 506 read with Section 34, IPC, registered at Police Station, Sadar, Ambala, and all the consequential proceedings arising therefrom are hereby quashed.

October 15, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE