

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-37673 of 2014
Date of decision : 19.01.2015**

Manorma Gupta & othersPetitioners
versus

State of Haryana & another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

RITU BAHRI , J. (Oral)

Quashing of the FIR No.123 dated 20.05.2014 under Sections 313, 323, 34 IPC, registered at Police Station SGM Nagar, District Faridabad (Annexure P-1) and its consequential proceedings on the basis of compromise, is being sought.

FIR was registered by Deepshikha-respondent No.2/complainant with the allegations that her marriage was solemnised on 27.06.2012 with Rajiv Gupta-petitioner No.3. She was harassed by her husband, her mother-in-law and her sister-in-law small things and used to abuse and give taunts to her. A complaint under Domestic Violence Act had been given with the allegations that on 28.03.2014 her husband had taken her to Grover Nursing Home Town No.2 for check up where she

came to know that she was pregnant of six months. Her husband Rajiv Gupta wanted to get abortion done from the doctor, but she refused to the doctor. Then her husband told her that if she would not get abortion done, then she would not be kept by him in the house. The complaint in this regard is pending for 03.06.2014. Thereafter she was harassed for getting abortion done. On 19.04.2014, she was at her house and at 3.34 her mother-in-law told her that her sister-in-law had sent sweets, have it. After taking sweets, her condition was deteriorated and she started bleeding. Her mother-in-law knowingly took her to Ashoka Nursing Home 2M/17 where she was not even given treatment. Thereafter at about 8 PM her brother reached and on the pressure put by her brother her husband took her to Escort Hospital and upon reaching the hospital, ultrasound was done on her, where she came to know that her child was no more. Thereafter Pardeep rang up the police and Protection Officer Smt. Seema Sharma Legal Adv. and ASI Rajesh Kumar reached to take statement but she was not fit to make statement. Her husband, mother-in-law and father-in-law gave her beatings and she reached police post with great difficulty. After reaching the police post, she was taken to Medical BKH Faridabad for medical where MLR was issued. With these allegations, FIR was registered.

After necessary investigation, challan was presented and

during pendency of the trial, the parties have resolved the matter amicably. In CRM-M-20253-2014 filed by Manorma Gupta & anr. for grant of anticipatory bail, which was granted by the Court and anticipatory bail was made absolute on 22.09.2014 (Annexure P-4).

The complainant was served and an attempt was made to get an out of Court settlement by sending the matter to the mediation. As per the report of the mediator dated 21.11.2014, the parties have resolved the dispute and a final settlement arrived between the parties on 19.09.2014, a draft bearing No.334731 dated 17.11.2014 of Rs.4,35,000/- is handed over to Ms.Deepshikha-complainant. The petition under Section 13-B of the Hindu Marriage Act was to be filed.

In compliance of the order dated 10.11.2014, status report has been received. Statement of the complainant-Deepshikha and the matter has now been resolved as per the report of the mediator dated 21.11.2014 a draft bearing No.334731 dated 17.11.2014 for Rs.4,35,000/- has been given in favour of Deepshikha-complainant, which has been received by her and she has no objection if the FIR is quashed.

Counsel for the petitioners has pursuant to the settlement at the mediation, a petition under Section 13-B of the Hindu Marriage Act before the District Judge, Family Court, Faridabad has been filed. In this petition, the second date for final disposal is fixed as 18.04.2015 and it is

on that date the final payment of Rs.4,30,000/- is to be paid by the petitioners to the complainant.

A perusal of this petition shows that the matter has been resolved by the parties.

Consequently, in view of the status report and in view of the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.123 dated 20.05.2014 under Sections 313, 323, 34 IPC, registered at Police Station SGM Nagar, District Faridabad (Annexure P-1), is quashed with all consequential proceedings arising therefrom qua petitioners, subject to the condition that the final payment will be made before the Court of District Judge/Family Court, Faridabad on 18.04.2015.

The petition stands disposed of qua petitioners.

19.01.2015
Vinay

(RITU BAHRI)
JUDGE