

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-9123 of 2015

Date of decision:- March 20, 2015

Arun Singhal

...Petitioner...

versus

State of Haryana and another

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sapan Dhir, Advocate,
for the petitioner.

JASPAL SINGH, J.

This order shall dispose of CRM No.M-9123 of 2015 preferred by Arun Singhal, under Section 482 of the Code of Criminal Procedure (for short, "Cr.P.C.) seeking quashing of FIR No.348, dated 12.07.2013, under Sections 323, 354, 506 and 509 IPC, registered at Police Station Samalkha, District Panipat (Annexure P-2) as well as final report under Section 173 Cr.P.C. (Annexure P-3) and all subsequent proceedings thereof.

2. The contention of learned counsel for petitioner is that marriage between petitioner and respondent No.2 was solemnized on June 24, 2012 at Samalkha, District Panipat, according to Hindu rites and ceremonies. Matrimonial dispute arose between the couple and their relation became strained. Even petitioner made to sign a panchayati agreement with a view to dissolve their matrimonial relations

on September 11, 2012, at the time, respondent No.2 as well as her parents exercised coercion and pressure upon him in collusion with local police authorities. However, respondent No.2 on receipt of a sum of ₹7,00,000/- sworn an affidavit dated September 11, 2012 admitting that she has received the said amount against permanent alimony and further that she would not claim anything from petitioner and will not file any complaint or court case against petitioner in future. Even respondent No. 2 has already obtained divorce on the basis of aforesaid compromise. It has further been contended by learned counsel for petitioner that despite receipt of a sum of ₹7,00,000/- and giving a specific undertaking that she will not file any criminal complaint or court case against petitioner, by twisting facts and concocting a false story, lodged a complaint with police, which ultimately formed basis of FIR, quashing of which has been sought through this petition.

3. While referring to statements of witnesses recorded under Section 161 Cr.P.C. by investigating officer after registration of case, it has been submitted by learned counsel for petitioner that presence of respondent No.2 at the spot i.e. place of occurrence unfolded by her is not established. Police in connivance with respondent No.2 and her parents hurriedly presented the challan. In fact, FIR does not disclose offence and allegations made as well as in complaint are so absurd, inherently and improbable, on the basis of which no prudent person can ever reach at a conclusion that there is sufficient ground for proceeding against petitioner. It is well settled where a criminal proceeding is manifestly attended with malafide and/or where proceedings is

maliciously instituted with an ulterior motive of wreaking, vengeance on the accused and with a view to spite him due to private and personal grudge, criminal proceedings deserves to be quashed.

4. This Court has given a deep thought to the aforesaid submission made by learned counsel for petitioner and has meticulously gone through file.

5. No doubt, from the contentions put forth by learned counsel for petitioner as well as documents available on file, it emerges that matrimonial dispute was set at rest by way of compromise, which is alleged to have been arrived at on September 11, 2012 and further that on receipt of a sum of ₹7,00,000/- towards permanent alimony, respondent No.2 executed sworn affidavit, according the terms of which, she undertook not to file any criminal complaint or court case against petitioner but here, it would be pertinent to mention that agreement was arrived at on September 11, 2012 and in pursuance thereof, petition under Section 13-B of Hindu Marriage Act, 1955 was filed, in which, reference of full and final settlement as per compromise dated September 11, 2012 was made. Compromise, if any, arrived at between the parties, has nothing to do with registration of instant FIR, which is subject matter of this petition, as it pertains to an occurrence having taken place on July 12, 2013 in the market at Samalkha. If statements of some of persons under Section 161 Cr.P.C. have been recorded, who have feigned ignorance about the presence of girl or that no such girl was present and quarrel took place in between boys, same is no ground to quash the FIR, especially, in view of the fact that there is a

statement of complainant-wife i.e. respondent No.2 coupled with the statements of eye witnesses. At this stage, nothing can be said that registration of FIR is actuated with malafide or that it has been filed with ulterior motive to wreak vengeance or that no such occurrence did take place.

6. In the light of what has been discussed above, this Court does not find any merit in the petition. As such, the same is dismissed.

March 20, 2015
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(JASPAL SINGH)
JUDGE