

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39473-2015

Date of Decision: February 1, 2016

Jitender and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Amit Kumar Goyal, Advocate,
for the petitioners.

Mr. Sanjay Kumar Saini, AAG, Haryana,
for respondent No. 1.

None for respondent Nos. 2 and 3.

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 Jitender, Narender and Raj Bala, for quashing of FIR No. 238, dated 10.4.2013 (Annexure P-1), for the offences punishable under Sections 406, 498-A and 506 read with Section 34, IPC, registered at Police Station, Sadar, Bhiwani, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 26.11.2015, the affected parties were directed to appear before the learned Trial Court, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Additional Chief Judicial Magistrate, Bhiwani, and got recorded their respective statements admitting the factum of the compromise. The operative part of the report received from learned Court below is as under:-

“ I have also personally examined the parties to that effect. To my belief, the aforesaid statements have been made by the complainant and her father as well as the accused with their sweet will and without any pressure or threat in any manner. The compromise has been voluntarily effected between the parties and the aforesaid compromise is genuine and outcome of free consent of both the parties and is without any coercion from any quarter.”

Learned counsel for the petitioners submits that due to temperamental differences, petitioner No. 1 (husband) could not pull on well with respondent No. 2 (wife), which resulted into

registration of the impugned FIR; better sense has prevailed and both the private factions have sorted out their disputes and effected a compromise; as per the terms and conditions of the compromise, petitioner No. 1 as well as respondent No. 2 have already presented a petition under Section 13-B of the Hindu Marriage Act, 1955, before the Court of competent jurisdiction; and that the pendency of the impugned FIR and the consequential proceedings arising therefrom would be a sheer abuse of the process of law. In support of his contentions, learned counsel for the petitioners has placed reliance on the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **B.S. Joshi and others v. State of Haryana and another**, 2003 (2) R.C.R. (Criminal) 888.

Learned counsel for the State on instructions from HC Sandeep Singh of Police Station, Sadar, Bhiwani, has not opposed the above submissions made by the learned counsel for the petitioners. He further submits that in view of joint statement suffered by respondent Nos. 2 and 3, he has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed.

After hearing learned counsel for the parties and going through the material available on record, this Court is also

of the considered view that the present criminal litigation has arisen out of a matrimonial dispute and pendency of the same would be sheer abuse of the process of law since the chances of ultimate conviction and sentence of the petitioners are bleak.

In view of the totality of the facts and circumstances of the case and the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **B.S. Joshi (supra)**, this petition is accepted and FIR No. 238, dated 10.4.2013 (Annexure P-1), for the offences punishable under Sections 406, 498-A and 506 read with Section 34, IPC, registered at Police Station, Sadar, Bhiwani, and the consequential proceedings arising therefrom are hereby quashed.

In view of the fact that the present case has arisen out of a matrimonial dispute, no costs are being imposed.

(NARESH KUMAR SANGHI)
JUDGE

February 1, 2016
Pkapoor