

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

**Criminal Misc. No. M-8030 of 2016
Date of decision: 06.05.2016**

Pranshu Goel and others

..Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. A.D.S. Sukhija, Advocate
for the petitioners.

Mr. Baljinder Singh Virk, DAG, Haryana
for respondent No.1 – State.

Mr. Vishal Gupta, Advocate
for respondent No.2.

Daya Chaudhary, J.

FIR No.587 dated 02.12.2015 was registered under Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961 (for short 'the Act') (Sections 376 and 323 of Indian Penal Code were deleted while filing challan) at Police Station Suraj Kund, Faridabad on the basis of complaint made by respondent No.2 wherein certain allegations were levelled against accused persons.

As per allegations levelled in the FIR, *Roka* ceremony of marriage of petitioner No.1 with respondent No.2 was performed on

02.08.2015 and the date of marriage was fixed for 04.12.2015. During intervening period, demand of car worth ₹50 lacs and certain other gold/silver items was raised. In engagement ceremony, many items were given to accused party. Certain allegations of commission of rape upon respondent No.2 were also there in the FIR. On lodging of aforesaid FIR, petitioner No.1 was arrested and thereafter, he was granted regular bail by this Court. Petitioner No.3 was granted anticipatory bail on deposit of an amount of ₹21 lacs in lieu of articles allegedly given at the time of engagement. Similarly, petitioner No.2 was also granted interim anticipatory bail. During pendency of the investigation, respondent No.2 filed an affidavit before the Investigating Officer stating therein that the allegations of commission of rape were alleged due to misunderstanding and now no grouse is there between her and the petitioners. After considering the affidavit of respondent No.2, offences under Sections 376 and 323 IPC were deleted and challan was presented under Sections 3, 4 and 6 of the Act.

Learned counsel for the petitioners submits that subsequently also, respondent No.2 furnished an affidavit before this Court stating that she has no grouse or grievance against the petitioners and has also no objection in quashing of the FIR and other proceedings against the petitioners. As per settlement arrived at between the parties, the present petition has been filed under Section 482 Cr.P.C. for quashing of FIR and other proceedings on the basis of

compromise. Learned counsel also submits that in compliance of order passed by this Court on 29.03.2016, both the parties appeared before the trial Court for recording of their statements with regard to compromise and their statements were recorded.

The factum of compromise has been affirmed by learned counsel for complainant-respondent No.2.

Learned State counsel as well as counsel for respondent No.2 have not disputed the submissions made by learned counsel for the petitioners.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR and other documents available on the file.

Admittedly, the FIR was initially registered under Sections 376, 323 IPC and Sections 3, 4 and 6 of the Act. Certain allegations of demand of dowry and handing over of dowry articles were levelled along with the allegations of rape. Subsequently, the complainant has sworn an affidavit, which was handed over to the Investigating Officer stating therein that the allegations of commission of rape were alleged due to misunderstanding whereas there was no such incident of rape. On the basis of affidavit furnished by respondent No.2, the offences under Sections 376 and 323 IPC were deleted and challan was presented only under Sections 3, 4 and 6 of the Act. It is also not disputed that no marriage took place between petitioner No.1 and respondent No.2 and only the *Roka* and engagement ceremonies

were performed wherein certain dowry articles were given before marriage. Some differences arose between the parties and the marriage could not take place. Thereafter, the dispute between the parties was settled and amount in lieu of items given at the time of roka/engagement ceremony was given by accused party to complainant party.

Notice of motion was issued in the case on 29.03.2016 and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise.

In response to said directions issued by this Court, the parties appeared before Judicial Magistrate 1st Class/Chief Judicial Magistrate, Faridabad and their statements with regard to compromise were recorded. A report along with the statements of the parties has also been sent before this Court, which is on record wherein it has been mentioned that the compromise arrived at between the parties is without any pressure, threat, coercion and undue influence and is as per their free will. Complainant-respondent No.2 has stated in her statement that she does not want to take any action against the accused persons and has no objection in quashing of the FIR and other proceedings. No other case is pending between the parties.

Although the allegations of demand of dowry were there as certain articles were given at the time of engagement/roka ceremony but the marriage could not be performed due to misunderstanding or due to some differences arose between the

parties. Subsequently, the dispute was settled and amount in lieu of items given at the time of roka/engagement ceremony to the petitioners' side was returned to complainant side. Complainant was satisfied with the compromise and she agreed to give statement before the Court for not having any objection in quashing of FIR and other proceedings.

Although FIR was registered under Sections 376 and 323 IPC but the challan was not presented under aforesaid sections.

Accordingly, keeping in view the compromise arrived at between the parties and by considering that no purpose would be served in case, the proceedings are continued as the complainant is not going to support the case of the prosecution; the continuation of proceedings would be a futile exercise and would result into wastage of precious time of the Court, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.587 dated 02.12.2015 registered under Sections 3, 4 and 6 of the Act (Sections 376 and 323 IPC were deleted while filing challan) at Police Station Suraj Kund, Faridabad as well as all subsequent proceedings arising therefrom qua petitioners, namely, Pranshu Goel, Ashok Kumar Goel and Poonam Goel, are hereby quashed.

06.05.2016
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(DAYA CHAUDHARY)
JUDGE