

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-12595 of 2018 (O&M)

Date of decision : 25.9.2018

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Rohit Malhotra and others

.....Petitioners

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. K.P.S. Virk, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Respondent No.2 in person.

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H. S. Madaan, J.

Petitioners - Rohit Malhotra, husband aged 34 years,
Yashpal Malhotra, father-in-law, aged 72 years, Shanti Devi, mother-
in-law, aged about 65 years, Rajesh Malhotra, brother-in-law(Jeth),
aged about 40 years, Sushma Malhotra (sister-in-law (Jethani), being
wife of Rajesh Malhotra, aged about 40 years, Mukesh Malhotra ,
brother -in-law (Jeth), aged about 39 years and Poonam Malhotra,

sister-in-law (Jethani) being wife of Mukesh Malhotra, aged about 29 years, of Neetu @ Nupur Malhotra – complainant – respondent No.2, have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 735 dated 7.7.2014, for offences under Sections 406, 498-A IPC, registered at Police Station Gurgaon City, District Gurgaon, against them, alongwith consequential proceedings arising therefrom, on the basis of statement made by Neetu @ Nupur Malhotra complainant- respondent No.2, in the petition.

Briefly stated, facts of the case are that complainant Neetu @ Nupur Malhotra, had lodged the FIR in question, against the petitioners, levelling allegations of her maltreatment and harassment at hands of the petitioners, in connection with demand of dowry and the petitioners ultimately turning her out of the matrimonial home, retaining her *istridhan* articles, committing criminal breach of trust, in that regard.

After registration of the FIR, the investigation in the case started. However, the dispute between the parties has been resolved in an amicable manner. Rohit Malhotra and Neetu @ Nupur Malhotra had got their marriage dissolved by decree of divorce by mutual consent, in terms of Section 13-B of the Hindu Marriage Act, 1955, and thereafter the complainant has contracted the second marriage.

In terms of the settlement/compromise the complainant had agreed to get the FIR in question quashed. She has put in appearance in the Court and has furnished an affidavit pleading no objection, if the FIR in question is quashed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is *“finest hour of justice”*.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR
alongwith ancillary proceedings are hereby quashed.

25.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No