

244

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

CRM-M-10730 of 2020 (O&M)

Date of decision: October 28, 2020

Jimmy Choudhary and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioners.

Mr. Pardeep Parkash Chahar, DAG Haryana.

Mr. Vikram Bishnoi, Advocate for respondents No.2 and 3.

MAHABIR SINGH SINDHU, J

CRM-15397-2020

Application has been filed for placing on record the documents as annexures P-8 & P-9.

For the reasons stated in the application, the same is allowed, subject to all just exceptions. Annexures P-8 & P-9 are taken on record.

Main case

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.269 dated 01.11.2014, under Sections 498-A, 406, 323, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bawal, District Rewari along with all other consequential proceedings arising therefrom, on the basis of compromise (P-2).

Brief facts of the present case are that complainant-Renu

Kumari got lodged the above FIR alleging that she got married with petitioner No.1 on 27.11.2009 and at the time of marriage, her father had given sufficient dowry, i.e. one Hyundai Verna Car, plot measuring 200 Sq. Yards, a sum of ₹1,50,000/- in cash along with household articles and gold jewellery, which was more than his capacity. After sometime of the marriage, her in-laws started harassing & humiliating her and also gave beatings on account of bringing less dowry. Under their pressure, she transferred an amount of ₹1,50,000/- from her account in favour of her husband and also handed over sale-deed of a plot measuring 200 Sq. Yards. Despite that, behaviour of her in-laws remained unchanged. In addition to above, on various occasions, her father gave lot of money and property to her in-laws. Finally her husband filed a petition under Section 13 of the Hindu Marriage Act, 1955, when she was residing at her matrimonial home. She was thrown out of house by her in-laws and they snatched her minor daughter also. Complainant approached the police, but no action was taken.

Contends that matter has been compromised between the parties and this is a matrimonial dispute.

On 13.03.2020, while issuing notice of motion, following order was passed by the co-ordinate Bench:-

“Prayer in this petition is for quashing of the FIR along with all consequential proceedings arising therefrom on the basis of compromise between the parties.

Notice of motion for 24.07.2020.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement

on 01.05.2020.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender;*
- (iii) Status of the trial/proceedings and,*
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

In compliance of above order, report of learned Additional Civil Judge (SD)-cum-SDJM (for short 'ACJ') is received and relevant part thereof reads as under:-

“They had got recorded their statements without any pressure or coercion and there is no doubt regarding the genuineness of the statements which had been got recorded in the presence of the undersigned.”

The extracted portion of the report reveals that matter has been amicably compromised between the parties without any pressure. Even before this Court also, both parties jointly stated that they have no objection in case the FIR in question along with all consequential proceedings, are quashed and set aside.

Learned State counsel, on instructions from police official, has also taken a very fair stand in view of the fact that this is a matrimonial dispute and also stated that they have no objection in case FIR in question along with all consequential proceedings are quashed.

Since matter has been compromised between the parties with their free consent, the same is entirely personal in nature; does not affect

any public peace and tranquility, thus, this Court is fully convinced that quashing of FIR along with all consequential proceedings, on the basis of compromise, would bring peace and harmony to secure the ends of justice.

Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom, are quashed, qua the petitioners.

(MAHABIR SINGH SINDHU)
JUDGE

October 28, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No