

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26058-2020

Date of Decision: 09.10.2020

Dheeraj Goswami and others

...Petitioners

vs.

State of Haryana and another

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Dev Kaushik, Advocate for the petitioner.

Mr. Surender Singh, Asstt. AG, Haryana.

Mr. Ankur Dua, Advocate for respondent No.2.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 482 Cr.P.C., is for quashing of FIR No.458 dated 28.11.2017, registered under Sections 34, 498-A, 406 IPC, 1860 at Police Station Kalanaur, District Rohtak as well as all subsequent proceedings arising therefrom.

3. Brief facts of the case are that petitioner No.1 got married to complainant / respondent No.2 on 12.12.2015, whereafter, parties resided together as husband and wife but no child was born out of the wedlock, that due to temperamental differences and lack of understanding, the parties could not adjust with each other and are living separately since 25.11.2017, that the abovementioned FIR was registered at Police Station Kalanaur against five persons but during investigation, except the petitioners all other accused were found innocent. Consequently, challan was filed against the petitioners U/s 34, 498-A and 406 IPC. However, with the intervention of respectable members of

the society, petitioner No.1 and respondent No.2 arrived at a compromise,

Annexure P/2 dated 14.08.2020.

4. Vide order dated 04.09.2020, the parties were directed to put in appearance before the learned Illaqa / Duty Magistrate for recording of their statements. In pursuance of said order, the parties appeared before the learned Judicial Magistrate 1st Class, Rohtak, on 15.09.2020 and got recorded their statements. Pursuant thereto, report dated 15.09.2020, has been submitted by the learned Judicial Magistrate 1st Class, Rohtak, wherein it has been recorded that complainant, Shilpa, as well as accused, Dheeraj Goswami and Beena Rani, had appeared before the Court and made statements that they have compromised the matter in panchayat with the intervention of respectable members of society and that the compromise was effected with their own will, without any pressure or coercion of any kind besides, the complainant had stated that she had no objection if the FIR was quashed by the High Court against the accused persons. The report further records that there are only two accused persons facing trial in the FIR and none of them is proclaimed offender, case is at the stage of prosecution evidence and that the compromise between the parties has been arrived at without any fear, force, inducement or threat and that the same was genuine and had been effected voluntarily by the parties.

5. In view of compromise, Annexure P/2 dated 14.08.2020, as well as report of the learned Judicial Magistrate 1st Class, Rohtak, dated 15.09.2020, there is no impediment in the way of the Court in exercising its power under Section 482 Cr.P.C. to quash the FIR and all subsequent proceedings in respect thereto in the interest of justice, in view of the decision in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3)**

RCR (Criminal) 1052, as no useful purpose would be served by prolonging litigation.

6. In the light of the position as noted above, FIR No.458 dated 28.11.2017, registered under Sections 34, 498-A, 406 of IPC, 1860 at Police Station Kalanaur, District Rohtak as well as all subsequent proceedings arising therefrom, are quashed.

7. Petition stands disposed of.

(B.S. Walia)
Judge

09.10.2020

'Amit-Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No