

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 10164 of 2021

Date of Decision: 15.3.2021

Akash Mittal

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G, Haryana.

Mr. Pardeep Chhoker, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 70 dated 16.2.2021 under Section 174-A IPC registered at Police Station Jagadhri, District Yamuna Nagar (Annexure P-7), and all the consequential proceedings arising therefrom, including the order dated 02.7.2019 (Annexure P-6) passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri vide which the petitioner has been declared a proclaimed person.

Learned counsel for the petitioner submits that the marriage of the petitioner was solemnized with respondent No. 2 on 03.12.2014 and out of the wedlock, no child was born. He further submits that since there was a matrimonial dispute between the husband and wife, FIR No. 115 dated 16.11.2018 under Sections 498-A, 323, 406, 354, 506 IPC has been got registered by Priya Mittal-respondent No. 2 against the petitioner and his family members and now with the intervention of the respectables, the matter has been amicably resolved between the parties and it has been

agreed that the petitioner would pay Rs. 8.00 lacs to complainant-

respondent No. 2 (wife) towards present, past and future maintenance and as permanent alimony and out of the said amount, respondent No. 2 has already received Rs. 4.00 lacs.

Learned counsel further submits that so far as the proclamation proceedings and registration of present FIR are concerned, the petitioner never visited India after 2017 and to show his *bona fide*, he has attached the passport of the petitioner as Annexure P-3. He further submits that the petitioner was residing in USA when the P.O. proceedings were initiated against him. Learned counsel further submits that the petitioner was never served and moreover, even as per the report of the executing agency, the petitioner was residing abroad and the proclamation proceedings as well as the present FIR, are against the statutory provisions of Section 82 Cr.P.C. Learned counsel has placed reliance on the judgments passed by the Co-ordinate Benches of this Court in ***Amandeep Singh and others versus State of Punjab and another 2018(2) CrI. CC 162*** and ***CRM-M-27714-2020*** titled ***Ranbir Singh versus State of Haryana and another*** decided on ***22.1.2021***.

Learned counsel for respondent No. 2 has not disputed the factum of compromise effected between the parties. It has also been brought to the notice of the Court that the proceedings under Section 13-B of the Act have already been initiated and the second motion statement is yet to be recorded.

I have heard the learned counsel for the parties.

A perusal of the record reveals that respondent No. 2-Priya Mittal has got registered FIR No. 115 dated 16.11.2018 under Sections 498-A, 323, 406, 354, 506 IPC against the petitioner and his family members on

the allegations of ill-treatment and harassment on account of demand of dowry. In the said FIR, petitioner Akash Mittal was declared a proclaimed person on 2.7.2019 and consequently, FIR No. 70 dated 16.2.2021 under Section 174-A IPC has been registered against him. However, now with the intervention of the respectables, the parties have amicably settled their dispute.

The petitioner has filed CRM-M-2277-2021, seeking quashing of FIR No. 115 dated 16.11.2018 on the basis of compromise effected between the parties. Vide order of even date, the said petition has been allowed and consequently, the said FIR along with all consequential proceedings have been quashed.

Since the dispute between the parties have been amicably settled and consequently, FIR No. 115 dated 16.11.2018 stands quashed, there exists no dispute between the petitioner and complainant-respondent No. 2 and continuing with the proceedings under Section 174-A IPC, which had emanated from the non-appearance of the petitioner in FIR No. 115 dated 16.11.2018, would be nothing, but a futile exercise.

Keeping in view the above, the petition is allowed. FIR No. 70 dated 16.2.2021 under Section 174-A IPC registered at Police Station Jagadhri, District Yamuna Nagar (Annexure P-7), and all the consequential proceedings arising therefrom, including the order dated 02.7.2019 (Annexure P-6), are quashed.

(HARNARESH SINGH GILL)
JUDGE

March 15, 2021
Gurpreet

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