IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10008-2021
Date of decision: 14.02.2022

Ombir **.....Petitioner.**

vs.

State of Haryana and another **.....Respondents.**

CORAM: - HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: - Mr. Mahendra Singh Tewatia, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Mohan Singh Rana, Advocate,
for respondent No. 2.

.....

Amol Rattan Singh, J. (ORAL)

Case heard via video conferencing.

On 20.09.2021, the following order had been passed by this court: -

'CRM-30603-2021

Case heard by video conference.

Vide this application, the petitioner seeks to place on record a compromise deed stated to have been effected between him and respondent no.2 (his wife Manisha), as also another document showing some payments made to her. (In fact a copy of the same compromise deed is already on record-Annexure P-3).

Notice in the application.

At the asking of the Court, Mr. Neeraj Poswal, AAG, Haryana accepts notice on behalf of respondent no.1 and Ms. Paramjit Kaur, Advocate accepts notice on behalf of respondent no.2. They do not express any objection.

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Accordingly, the application is allowed and the aforesaid document is taken on record as Annexure P-5 with the accompanying petition (i.e. the one shown otherwise as Annexure P-6 with the application).

Learned State counsel is directed to file a reply to the petition in view of the compromise, before the next date of hearing.

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By this petition, the petitioner seeks quashing of FIR No.112, dated 19.12.2019, registered at Police Station Mundkati, District Palwal, alleging therein the commission of offences punishable under Sections 323/506 of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-3), arrived at between the petitioner and respondent no.2.

Notice of motion be issued to the respondents.

At the asking of the Court, Mr. Neeraj Poswal, AAG, Haryana accepts notice on behalf of the respondent-State and Ms. Paramjit Kaur, Advocate, accepts notice on behalf of respondent no.2. She will file a power of attorney duly executed by respondent no.2 in her favour well before the next date of hearing.

A copy of the petition be e-mailed to them today itself by learned counsel for the petitioner.

Adjourned to 02.12.2021

In the meanwhile, the petitioner, as also respondent no.2 would appear before the learned Area Magistrate/trial court (as the case may be) up to 26.10.2021, to record their statements. That court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this court, before the next date of hearing.

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> That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.
>
> The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner.

Thereafter, on 02.12.2021, respondent no. 2 had appeared in person and had submitted that the petitioner, i.e. her husband, was not adhering to the terms of the compromise and therefore she does not record her consent for quashing the FIR. It was also noticed by this court on that date that in fact even the report sent by the learned JMIC, Hodal, dated 26.10.2021, (pursuant to the order of this court dated 20.09.2021), was virtually to the same effect.

Consequently, since learned counsel for the petitioner had not come present on that date, hearing had been adjourned to 21.02.2021 on which date again he did not come present, but since the turn of the matter had come up after 4.00 p.m. hearing was adjourned to 31.01.2022.

On that date, the following short order was recorded by this court: -

> 'Case heard via video conferencing.
>
> As already noticed in the order dated 17.03.2021, earlier as recorded in the order dated 03.03.2021, learned counsel for the petitioner had sought to place on record proof of payment of Rs.20,000/- per month to respondent no.2 but with him having sought an adjournment on the next date of hearing (17.03.2021).

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> Today again a request for an adjournment has been made on his behalf, with none having appeared for respondent no.2 either.
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> Adjourned for the last time to 20.09.2021, with it made clear that if arguments are not addressed keeping in view also the order passed on 03.03.2021, it will be presumed that petitioner is no longer interested in pursuing this petition.
>
> To be shown in the urgent motion list.'

Today again, learned counsel for the petitioner has not come present with him having made a request for an adjournment through the coordinator of the video conference.

However, respondent no. 2 is present in person as is her counsel, Mr. Mohan Singh Rana, and upon a specific query put to her by this court, she submits that the petitioner is neither adhering to the terms of compromise nor in fact he is caring her for the past one year.

That being so, this being a petition seeking quashing of the FIR on the basis of a compromise stated to have been reached between the parties, but with respondent no. 2, i.e. the complainant, appearing time and again before this court and informing this court that the petitioner is not adhering to the terms of the compromise (he being her husband), I see no reason to entertain this petition any further. The request for adjournment made on behalf of the petitioner is consequently declined and the petition is dismissed.

Naturally, the investigating agency and the court concerned would proceed with the matter as per due course of law.

(AMOL RATTAN SINGH)
JUDGE

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whether speaking/non speaking yes/no whether reportable/non reportable yes/no

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