

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35166-2019(O&M)
Judgement reserved on : 17.05.2022
Date of Decision: 02.06.2022

Naresh Kumar & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Rakesh Kumar, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab.

None for respondent no.2.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No.166 dated 18.12.2011 under Sections 406, 498-A, 323, 324 IPC, registered at Police Station, Goraya, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

As per facts of the case, present FIR was lodged by the complainant Meena Rani who was admitted at Dhilwan Hospital. The sum and substance of the allegations made in the FIR was that marriage of the complainant Meena Rani was solemnized on 29.4.2010 with Naveen Kumar son of Naresh Kumar i.e. petitioner no.3. At the time of marriage about 35 tola gold was given in dowry and a sum of Rs.5 lakh had been spent on the wedding ceremony. After a few days of marriage family members of in-laws started giving her beatings and taunts for bringing insufficient dowry. The complainant telephonically informed her parents about this upon which her parents came to the matrimonial home and a Panchayat was convened to settle the dispute. After some time sister-in-law of the complainant namely

Kavita Sharma went to Canada and threatened her telephonically to bring a sum of Rs.10 lakh from her parents upon which complainant told that it was beyond the capacity of her parents. Thereafter she was again harassed on the same ground. On 25.9.2011 petitioner no.3 Naveen Kumar went abroad without even informing the complainant. Thereafter on 20.10.2011 at about 8 AM the family members of in-laws gave beatings to complainant. Her mother-in-law who was carrying a knife in her hands gave knife blow to her and she raised her left arm to save herself. The knife hit on the wrist of left arm. Her brother-in-law gave danda blow to her which hit on her back. On hearing the noise people from neighborhood gathered there and she narrated the whole incident to her brother Amandeep Singh on telephone. After that family members of complainant reached at the spot and brought her to Civil Hospital, Dhilwan for her treatment. The situation having become unbearable, the complainant lodged the present FIR for taking legal action against the culprits.

The investigation commenced and the allegations against the petitioners were substantiated during investigation and thus the challan was presented.

Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present FIR. He submits that during the course of investigation the matter was settled between the petitioner and the family members of the complainant/respondent no.2. Respondent no.2 has already received an amount of Rs.16 lakh for her past and future maintenance and thus the compromise dated 16.7.2016 has been duly accepted. He submits that after the compromise having been arrived at the petitioners were declared

Proclaimed Offender by the Trial Court concerned vide order dated 5.8.2016. The brother-in-law of the complainant namely Sachin Kumar filed a petition i.e. CRM-M-34313-2016 in which the statements were recorded that the parties have already compromised the matter and thus on the basis of the same the FIR in question qua Sachin Kumar has already been quashed by this court vide order dated 12.1.2017. Thereafter, the petitioners filed CRM-M-40471-2018 for quashing the FIR in question on the basis of compromise, however, as they were declared Proclaimed Offenders the same was withdrawn. The petitioners then approached the Trial Court for grant of anticipatory bail but no interim relief was granted. Thereafter, petitioners filed CRM-M-49573-2018 for the grant of anticipatory bail in which the interim relief was granted to the petitioners by staying their arrest. Petitioner no.3, who was residing abroad returned to India and approached the court for grant of anticipatory bail. Learned Addl. Sessions Judge, Jalandhar vide order dated 29.7.2019 granted anticipatory bail to petitioner no.3. Petitioners no.1 and 2 also filed a petition under Section 438 Cr.P.C for grant of anticipatory bail which was granted by the learned Addl. Sessions Judge, Jalandhar vide order dated 16.11.2018. A perusal of the report sent by learned Trial Court would reveal that the complainant had compromised the matter not only with the accused Sachin Kumar but also with the parents and brother-in-law of Naveen Kumar and thus they were granted the anticipatory bail. Counsel submits that the petitioners have approached this court praying for quashing of FIR as their prosecution in the facts and circumstances of the case is nothing but an abuse of the process of law. Counsel submits that this court vide interim order dated 28.8.2019 directed the parties to appear before the Illaqa

Magistrate concerned for recording statements of the parties as also for the verification of the compromise arrived at. Counsel has vehemently submitted that despite having been entered into compromise the complainant/respondent no.2 never appeared before the Illaqa Magistrate concerned for the verification of the compromise arrived at. He has submitted that after having accepted the amount of Rs.16 lakh as permanent alimony now the respondent wife is backing out from the compromise arrived at only in order to harass the petitioners. He has submitted that despite a number of opportunities respondent wife intentionally did not appear before the Illaqa Magistrate. In various judicial precedents this court has dealt with the similar situation. Counsel has relied upon the case of ***Mohd. Shamim V. Smt. Nahid Begum, 2005(1) RCR (Criminal) 697 and Ruchi Agarwal V. Amit Kumar Aggarwal, 2004(4) R.C.R (Criminal) 949.***

This court vide order dated 7.5.2022 directed the service of respondent no.2 to be effected through her counsel. As per office report, counsel for respondent no.2 had been informed about the date fixed before this court. Despite that no one has appeared on behalf of respondent no.2 wife.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing the FIR would be securing the ends of

justice, which is primarily the object of the legislature enacting under Section 482 Cr.P.C.

As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.166 dated 18.12.2011 under Sections 406, 498-A, 323, 324 IPC, registered at Police Station, Goraya, District Jalandhar and all the subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2). Needless to say that the parties shall remain bound by the terms and conditions of the compromise and their statements recorded before the court below.

Petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

02.06.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No