

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

CRM-M-36543-2019

Date of Decision:- 21.11.2022

HITESH KATARIA & ANR.

...Petitioners

Vs.

STATE OF HARYANA & ANR.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. R.S. Malik, Advocate for the petitioners.
Ms. Ambika Sood, Additional A.G, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioners Hitesh Kataria and Usha Kataria have filed the instant petition under Section 482 Cr.P.C. for quashing of the FIR No.432 dated 03.12.2018 under Sections 313/323/34/354-A/377/498-A/506 registered at Police Station Civil Line Sonipat and subsequent proceeding therefrom on the basis of compromise.

As per the facts of the case a complaint was received from the complainant - Vibha Malhotra where she alleged that her marriage was performed with Hitesh Kataria on 30.04.2015. On the demand of her in-laws family, the marriage ceremony took place in palace at Sonipat. They were told that the boy was earning Rs.1,00,000/- per month, therefore, the marriage should be performed in a decent manner. It was further alleged that the boy was working in TCS Company Gurugram, therefore, they will purchase their own furniture. They were given precious goods, gold and silver ornaments. After marriage, her in-laws was unhappy with the dowry articles. The behaviour of her husband was not good. He used to say that

he was not comfortable with her and he did not want to live with her. During her married life she conceived but the child was aborted at the instance of her aunt-in-law and sister-in-law and she was beaten up. Her husband raised demand of Rs.50,000/- from her father to attend the marriage of her sister. He misbehaved during her entire stay in the matrimonial home. She has also levelled allegations regarding the conduct of her elder brother-in-law. Ultimately in April, 2018 she was sent to Sonipat. With these allegations the FIR has been registered.

Notice of petition was given to the respondents and the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statement regarding the said compromise.

The detailed report dated 22.08.2022 received from the court of Judicial Magistrate 1st Class, Sonipat. The learned Judicial Magistrate recorded the statement of the petitioner Hitesh Kataria - husband, Usha wife of Ramesh, mother-in-law of the complainant confirming the compromise. Vibha Malhotra complainant/respondent No.2 also confirmed the compromise. They also confirmed that this compromise has been effected with their free will, consent and without any pressure or undue influence. ASI Santosh, the Investigating Officer confirmed that the Hitesh Kataria and Usha have never been declared as proclaimed offender .

Learned counsel appearing on behalf of the State has not disputed the fact of compromise arrived at between the parties.

I have considered the arguments as well as the compromise arrived at between the parties. It is clear that respondent No.2 Vibha Malhotra and the petitioners Hitesh Kataria and and Usha have settled their disputes with mutual consent. They have decided to break the

matrimonial tie as a result of which they have taken divorce with mutual consent under Section 13-B of Hindu Marriage Act. No other dispute is left between the parties and they have mutually settled all their claims. As per the compromise, both the parties will be able to live in peace and harmony and they will be able to start their life afresh. Under these circumstances, no purpose would be served by continuing with the criminal proceedings in the aforesaid FIR and this compromise will also help them to avoid further civil or criminal litigation.

Therefore, the petition filed by the petitioners is allowed and the FIR No.432 dated 03.12.2018 under Sections 313/323/34/354-A/377/498-A/506 registered at Police Station Civil Line Sonipat and subsequent proceeding therefrom are quashed.

21.11.2022
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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No