

CRM No.9829 of 2022 in/and
CRM-M-52594 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM No.9829 of 2022 in/and
CRM-M-52594 of 2021
Date of decision:16.03.2022

Abhishek Dixit

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anurag Arora, Advocate
for the applicant-petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ms. Seema Pasricha, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.9829 of 2022

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed to today and it is ordered
to be taken up on Board.

CRM-M-52594 of 2021

On 17.12.2021, this Court passed the following order:-

*“Instant petition has been filed under Section 482
Cr.P.C for quashing of FIR No.0043 dated 14.05.2016
registered under Sections 498-A, 406, 506 of Indian Penal
Code, 1860 at Women Police Station, Jhajjar, District Jhajjar*

(Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 01.12.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 14.12.2015 and there was no issue out of the wedlock. He submits that as the parties could not pull along, they parted ways and started residing separately from February, 2016. Counsel submits that litigation ensued between the parties and with the intervention of the Court, the matter was referred to the Mediation and Conciliation Centre of this Court and has been settled by virtue of compromise arrived at on 01.12.2021 (Annexure P-2). He submits that in terms of the compromise, the petitioner has paid a sum of Rs.4.00 lacs to the complainant-respondent No.2 and the balance amount is to be paid as per the schedule in para 4 of the compromise. He submits that the petitioner has not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr.Gurmeet Singh, AAG, Haryana accepts notice on behalf of respondent No.1-State. Upon instructions from ASI Reena, he submits that the challan has been presented against the accused-petitioner and the charge has been framed, though no prosecution witness has

been examined. Ms.Seema Pasricha, Advocate appears on behalf of the complainant-respondent No.2 and has filed her 'Power of Attorney', which is taken on record. She has admitted the factum of compromise as well as the statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the trial Court/Illaq Magistrate on 18.01.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Duty Magistrate/Illaq Magistrate shall submit the report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of trial Court/Illaq Magistrate be awaited for 21.04.2022.

Considering the fact that the matrimonial dispute between the parties has burdened the system and 07 different cases including the present one, have been instituted, the Court deems it appropriate to impose the costs of Rs.21,000/- upon the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER, Sector 12, Chandigarh. The receipt of the deposit shall be furnished by the petitioner before the trial Court on the date of his appearance and the same shall be a condition precedent to the recording of the statements of the parties.”

Costs have been deposited as is reflected from the report of the Trial Court, which has been received pursuant to above reproduced order and its relevant extract is reproduced as under:-

“1. FIR was registered against four accused namely Abhishek, Ramniwas (father-in-law), Lalita (mother-in-law), Tasvir @ Babli (sister-in-law) and after investigation, challan was presented against accused Abhishek only and accused namely Ramniwas, Lalita, Tasvir @ Babli were kept in column No.2. Accused Abhishek has appeared before the Court and gave his statement. No accused is absconding and proclaimed offender in the present case.

2. The name of the complainant and injured/aggrieved is Meenakshi and she has appeared before the Court and gave her statement in support of the compromise.

3. *The present case is at the stage of prosecution evidence.*

4. *The compromise is genuine, voluntarily and out of free will of the parties.*

5. *No criminal case is pending against the accused.”*

Counsel representing the complainant-respondent No.2 acknowledges that the complainant-respondent No.2 has received the entire payment of Rs.30.00 lacs as mentioned in para 4 of the compromise (Annexure P-2), including the bank draft of Rs.8.00 lacs, which has been received by her today.

Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** has held that the High Court has wide power under Section 482, Cr.P.C. to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. Apex Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*** has summarized the broad principles on the basis of the precedents and has held that the inherent power of the High Court has a wide ambit and plenitude, which has to be exercised to secure the ends of justice or to prevent the abuse of the process of any Court. In ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320

Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Considering the fact that FIR has emanated from a matrimonial dispute, which has been settled and the marriage between the parties has been dissolved by virtue of judgment and decree dated 07.01.2022 (Annexure P-4) passed by a Division Bench of this Court in FAO No.453 of 2021 titled as “Abhishek Dixit Vs. Meenaxi @ Meenu” and the parties have decided to bury the hatchet, this Court is of the view that continuation of the criminal proceedings will not serve any purpose, rather setting aside of the same would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.0043 dated 14.05.2016 registered under Sections 498-A, 406, 506 of Indian Penal Code, 1860 at Women Police Station, Jhajjar, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

March 16, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes