

2023:PHHC:127226

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M No.3252 of 2023  
Date of Decision: 29.09.2023

Vikas and others

...Petitioners

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Rajesh Malik, Advocate,  
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana  
for respondent No.1-State.

Ms. Jasleen Kaur, Advocate appearing for  
Ms. Rekha Rani, Advocate  
for respondent No.2.

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**MEENAKSHI I. MEHTA, J. (ORAL)**

The petitioners herein have prayed for the quashing of the FIR bearing No.0120 dated 26.07.2021 as registered at Women Police Station Sonipat, District Sonipat, under Sections 323, 34, 354, 377, 406, 498-A & 506 IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, culminating in the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations levelled by respondent No.2-complainant against the petitioners in the subject FIR, are that they had subjected her to cruelty for bringing insufficient dowry and to demand more dowry and also due to the non-fulfilment of their said

demand and petitioner No.1-husband had committed the unnatural offence upon her and petitioner No.3 had tried to outrage her modesty.

3. Status-Report as submitted on behalf of respondent No.1-State (by way of the affidavit of the Assistant Commissioner of Police City-II Sonipat), along-with Annexure R-1, is already available on the file and both these documents are taken on the record.

4. Vide the order dated 20.01.2023 as passed by the Co-ordinate Bench, the parties had been directed to appear before the concerned Illaqa/ Duty Magistrate on 16.03.2023 for recording their statements in respect of the afore-said compromise and in compliance of this order, learned Judicial Magistrate Ist Class, Sonipat, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that she is satisfied that the compromise, as arrived at between the parties, is a genuine one and it has been affected by them without any fear, pressure, threat, coercion or undue influence and as per the statement of SHO Ms. Kamla, 08 persons were arraigned as the accused in the afore-said FIR but the Challan has been presented against 03 accused named Vikas, Saroj and Bijender, i.e the petitioners, only and no proceedings have been initiated nor are pending to declare them proclaimed offenders nor they are involved in any other criminal case. Statements of the petitioners, respondent No.2 and the SHO, have been annexed with the said Report.

5. I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel appearing for respondent No.2, in the instant petition and have also perused the file thoroughly.

5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and as is explicit from Annexure P-3, the copies of the judgment and decree passed by the Family Court Sonipat on 22.03.2023, petitioner No.1-husband and respondent No.2-wife have already parted their ways by way of the dissolution of their marriage on the basis of their mutual consent, as envisaged under Section 13-B of the Hindu Marriage Act, 1955. It being so, there are bleak chances of the conviction of the petitioners and in these circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would merely be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012)4 RCR (Criminal) 543** and in **Anand Prakash Pilania and Anr. Versus State of Uttar Pradesh and Anr. Law Finder Doc Id # 1667790**, the FIR bearing No.0120 dated 26.07.2021 registered at Women Police Station Sonipat, District Sonipat, under Sections 323, 34, 354, 377, 406, 498-A and 506 IPC as well as all the subsequent proceedings arising therefrom (if any), are, hereby, quashed. The petition in hand stands allowed accordingly.

29.09.2023  
pooja

(MEENAKSHI I. MEHTA)  
JUDGE

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