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

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Date of decision : 18.05.2023

Gagan

..... Petitioner

Versus

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

Mr. Abhaysher Singh, Advocate
for respondent No. 2.

AMARJOT BHATTI J. (ORAL)

The petitioner – Gagan has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No. 81 dated 29.12.2016, under Sections 498-A, 406, 506, 34 of I.P.C. registered at Police Station Women, Rohtak (Annexure P-1) on the basis of compromise dated 21.12.2022 (Annexure P-3) and all further proceedings arising therefrom.

The facts of the case are that Jyoti – complainant filed written complaint against her husband Gagan Malhotra and others alleging that she got married on 05.12.2014 with Gagan Malhotra. Her parents had spent Rs. 5 lacs at the time of marriage and Rs. 10 lacs were spent on giving dowry articles. Prior to the marriage, *roka* ceremony took place where her husband and in-laws were given customary gifts, shagun and other articles. After marriage, she noticed that

her husband and in-laws family were unhappy with the dowry articles. They used to say that by giving Activa scooter they were humiliated in their relatives. She tried to ignore the taunts given to her after marriage. They used to find faults in the articles given to them. Her husband was B.Com, M.B.A. and he was working in Thread factory, Delhi, getting salary of Rs. 35,000/- per month. He took her in a rented house at Gobindpuri, Delhi in May, 2015. The complainant got pregnant. She was doing the entire household work. Thereafter, they shifted their residence. During this time, her husband shifted from Gobindpuri to Vinod Nagar, Delhi. After 10-15 days her father came to drop her back at Gobindpuri and on inquiry, it was revealed that her husband had shifted to some other place. The complainant's father gave assurance to satisfy their demands and she was taken back in the matrimonial home. There was no change in the behaviour of accused. She was turned out of the house after giving beating. All her dowry articles are in possession of accused persons. During this period, she was told that the Activa was stolen but later on it was found that it was parked in the house of his maternal uncle. The matter was also reported to the police regarding missing of gold jewellery. Later on the gold jewellery was got recovered in September, 2016 from the house itself. The complainant had started working as a Computer Teacher on daily wages in Government School, Rohtak in the month of September, 2015. She worked there till December, 2015. During this period, she was on family way. Even during this period, she was harassed and ill treated by her in-laws family. She gave birth to a son. Even thereafter, she was given beating and ill treated in the matrimonial home. Her father showed his inability to satisfy their demands. Ultimately, she was turned out of the house. Efforts were made to effect

compromise but it failed. The complaint was filed, on the basis of which present FIR has been registered.

The petitioner has filed this petition for the quashing of aforesaid FIR on the basis of compromise dated 21.12.2022, Annexure P-3. The petitioner and respondent No. 2 were directed to appear before the Illaqa/ Duty Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the Court of Judicial Magistrate Ist Class, Rohtak dated 02.03.2023. Separate statement of respondent No. 2 has been recorded, where she confirmed the compromise with the petitioner. She confirmed that this compromise is voluntary and without any pressure. She further submitted that she has no objection regarding quashing of aforesaid FIR.

The petitioner also confirmed this fact in his separate statement. The statement of IO/ ASI Rekha, No. 366, Police Station Women, Rohtak is also recorded who further confirmed that the accused is neither involved in any other criminal case nor declared proclaimed offender in any other criminal case.

Therefore, from the report of Judicial Magistrate Ist Class, Rohtak, it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their matrimonial disputes. They have also filed joint petition under Section 13-B of the Hindu Marriage Act, 1955 in which decree of divorce has been granted on 02.03.2023. Now they will be able to live independently in peace. No purpose would be served with the continuation of criminal proceedings.

Therefore, considering these facts, the petition filed by the petitioner

– Gagan is accepted and FIR No. 81 dated 29.12.2016, under Sections 498-A, 406,

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506, 34 of I.P.C. registered at Police Station Women, Rohtak and all the subsequent proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

18.05.2023

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(AMARJOT BHATTI)
JUDGE

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