

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

284

CRM-M No.5124 of 2023
Date of Decision: 25.07.2023

Sumit Oberoi and others

...Petitioners

Versus

State of Haryana and another

...Respondents

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

Present:- Mr. Rohit Seth, Advocate
for the petitioners.

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

Mr. R.D. Gupta, Advocate
for respondent No.2.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioners have prayed for the quashing of the FIR bearing No.584 dated 06.12.2018 registered at Police Station Ambala Cantt, under Sections 323, 406 & 498-A IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise qua their dispute, leading to the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that the petitioners had subjected her to cruelty for demanding more dowry and on

account of non-fulfilment of their above-said demand and they had also retained the dowry articles and her '*istridhan*'.

3. Vide the order dated 02.02.2023 as passed by the Co-ordinate Bench, the parties were directed to appear before the Area/Duty Magistrate on 17.03.2023 for recording their statements in respect of the afore-referred compromise. In compliance of this order, learned Additional Chief Judicial Magistrate, Ambala, recorded their (parties') statements and has submitted his report (as already available on the file), while mentioning therein that he was of the considered view that the compromise arrived at between the parties is genuine and valid and it has been affected out of their free will and consent and without any pressure or coercion and three persons, i.e the petitioners, were arrayed as the accused in the FIR and none of them is proclaimed offender nor is involved in any other case. Joint statement of the petitioners and the separate statements of respondent No.2-complainant and the Investigating Officer named ASI Balwant Rai (retired) have been annexed with the above-said report.

4. I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for respondent No.2 in the present petition and have also perused the file carefully.

5. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and 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 be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations as made by Hon'ble the Supreme Court in **Gian Singh Versus State of Punjab and another (2012)4 RCR (Criminal) 543**, the FIR bearing No.584 dated 06.12.2018 as registered at Police Station Ambala Cantt under Sections 323, 406 & 498-A IPC as well as all the subsequent proceedings arising therefrom (if any) are hereby quashed. The petition in hand stands allowed accordingly.

25.07.2023

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(MEENAKSHI I. MEHTA)
JUDGE

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