

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

**CRM-M No.11087 of 2023
Date of Decision: 18.07.2023**

Yoginder & Anr.

...Petitioners

Versus

State of Haryana & Anr.

...Respondents

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

Present:- Mr. Manjeet Singh, Advocate,
for the petitioners.

Mr. Amrik Singh Narwal, DAG, Haryana,
for respondent No.1-State.

Mr. Kapil Datta, Advocate, appearing as proxy
counsel for Mr. Sonit Sinhmar, Advocate
for respondent No.2.

* * * *

MEENAKSHI I. MEHTA, J.(ORAL)

The petitioners herein seek the quashing of the FIR bearing No.142 dated 29.11.2019 registered at Women Police Station Jind, under Sections 323, 34, 406, 498-A & 506 IPC as well as all other subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise regarding their dispute, culminating in the registration of the said FIR.

2. Bereft of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that she was subjected to cruelty by the petitioners and their co-accused namely Pawan Kumar,

Deepika and Raj Kumar for bringing insufficient dowry and on account of non-fulfilment of their demand for more dowry.

3. Vide the order dated 02.03.2023 as passed by the Co-ordinate bench, the parties had been directed to appear before the trial Court/Duty Magistrate on 27.03.2023 for recording their statements in respect of the afore-said compromise and in compliance of this order, learned Judicial Magistrate Ist Class, Jind, recorded their (parties') statements and has submitted his report (as already available on the file), while mentioning therein that from the statements of the parties, he was satisfied that the compromise affected between the parties is genuine, voluntary and has been arrived at without any coercion or undue influence and is not result of any fraud or misrepresentation and that as per the statement of the Investigating Officer, HC Kavita, none of the accused has been declared a proclaimed offender nor is not involved in any other case. The above-named Investigating Officer has also categorically stated that in the present case, the complaint had been moved against five persons and out of them, three accused namely Pawan Kumar, Deepika and Raj Kumar were found to be innocent and the Challan has been presented in the Court against the remaining two accused only named Yoginder and Birtmati, i.e the present petitioners. The statements of the petitioners, the complainant and the said Investigating Officer have been annexed with the afore-mentioned report. Learned counsel for the petitioners has also submitted the copies of the judgment and decree as passed by learned Principal Judge, Family Court, Jind, on 06.05.2023, qua the dissolution of the marriage between petitioner

No.1-husband and respondent No.2-complainant-wife, in the Court today and these documents have been placed on the file.

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

5. The above-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come. Moreover, petitioner No.1 and respondent No.2 have already parted their ways by way of the dissolution of their marriage vide the afore-referred judgment and decree dated 06.05.2023, passed 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 be an exercise in futility.

6. Keeping in view the above-discussed facts and circumstances and also the observations made by the Apex Court in **Gian Singh Versus State of Punjab and another (2012) 4 RCR (Criminal) 543**, the FIR bearing No.142 dated 29.11.2019 registered at Women Police Station, Jind, under Sections 323, 34, 406, 498-A & 506 IPC as well as all other subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

18th July, 2023

seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No