

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

**CRM-M-18662-2018**

**Date of Decision:26.05.2023**

**SANDEEP RANA**

..... Petitioner

*Versus*

**STATE OF HARYANA AND ANR**

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

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

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Deepak Jindal, Advocate and

Mr. Lajpat Rai Sharma, Advocate for respondent No.2.

\*\*\*\*

**JAGMOHAN BANSAL, J. (Oral)**

1. On 17.05.2023, following order was passed:

*“On 10.05.2023, the following order was passed:-*

*“The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of FIR No.215 dated 01.06.2017 registered at Police Station Urban Estate, Rohtak, District Rohtak, under Sections 406 and 498-A of IPC.*

*The brief facts of the case are that marriage of petitioner with respondent No.2 was solemnised on 01.02.2014 according to Hindu rites and ceremonies. The couple left for America on 08.02.2014. The respondent remained in USA from February' 2014 to October' 2014. She came back to India on 18.10.2014. She directly went to her parental home. At that point of time, she was 32 weeks pregnant. She delivered a female child on 29.11.2014 at Rohtak. The complainant remained in hospital from 29.11.2014 to 01.12.2014. The father of respondent No.2 filed a complaint dated 25.04.2015 before SP, Rohtak alleging maltreatment on the part of the petitioner and his family members and*

*demand of dowry. The complaint was not converted into FIR. The compromise dated 20.10.2016 came to be arrived at between the parties and as per compromise respondent agreed to stay with the petitioner in Singapour. The couple shifted to Singapour and stayed there for 15 days. The complainant came back to India just within two weeks. The petitioner filed a petition under Section 13 of Hindu Marriage Act (for short, 'HMA') seeking divorce which came to be withdrawn. The complainant also filed a petition under Section 13 of HMA seeking divorce which came to be withdrawn. The respondent No.2 lodged a complaint against the petitioner and his family members alleging demand of dowry and harassment. FIR came to be registered against the petitioner and his family members under Section 406 and 498-A of IPC. The police conducted investigation and found family members of the petitioner innocent. The challan came to be presented against the petitioner. The respondent moved an application under Section 319 Cr.P.C. seeking summoning of parents as well as brother of the petitioner as accused. The trial Court dismissed the application of the respondent. The order passed under Section 319 Cr.P.C. has become absolute because it has neither been challenged by the State nor by the complainant. The petitioner preferred the present petition before this Court seeking quashing of FIR. This Court issued notice of motion on 03.05.2018. During the pendency of present petition, charges came to be framed against the petitioner. This Court vide order dated 03.05.2018 while issuing notice of motion ordered that framing of charges would be subject to order in this petition. During the pendency of present petition, the petitioner and respondent again entered into compromise dated 26.11.2018. On the basis of compromise, CRM-M-55811-2018 came to be filed seeking quashing of FIR. The complainant again joined*

*company of the petitioner in September' 2018 and she stayed with petitioner till February' 2019 at Gurugram. On account of statement of respondent, petition seeking quashing of FIR on the basis of compromise came to be dismissed vide order dated 21.01.2020 passed by this Court.*

*Learned counsel for the petitioner inter alia contends that police had found no substance in the complaint of the father of the respondent. The parties twice entered into compromise and in view of compromise respondent No.2 joined company of the petitioner which shows that there was no demand of dowry and harassment on the part of the petitioner. The petitioner to settle his matrimonial life agreed to leave his home and stay at Singapur with respondent. The petitioner further agreed with terms and conditions of the respondent in the year 2018 and stayed with her at Gurugram for a period of 06 months. Every time, it is the respondent who left company of the petitioner.*

*Learned counsel for the respondent submits that there are specific allegations with date against the petitioner. The trial is midway. It is petitioner who is delaying the trial and he can raise all the pleas before the trial Court. All the arguments raised by the petitioner are disputed questions of facts which can not be adjudicated by High Court while exercising power under Section 482 Cr.P.C.*

*The parties are directed to remain present in the Court on 17.05.2023.”*

*Both the parties are present in Court.*

*On the asking of Court, petitioner-Sandeep Rana, who is present in Court, agreed to create FDR of Rs.20 Lacs in the name of their daughter Saanvi Rana within 2 months from today. He further agreed that respondent No.2 (wife) would be free to withdraw interest accruing on the aforesaid FDR. He undertook*

*not to file any civil or criminal case against his wife.*

*Respondent No.2-Anita, who is also present in Court, agrees with the aforesaid arrangement. She further submits that petitioner may be directed not to file any suit or criminal case against her. She has also undertaken that she will also not file any civil or criminal case against the petitioner. This would be without prejudice to the suit pending before the Trial Court qua custody of their daughter.*

*Learned counsel for the parties are ad idem that they would file a petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by mutual consent within a week from today.*

*Learned State counsel has no objection to afore-stated arrangement.*

*Adjourned to 24.05.2023. ”*

2. Learned counsel for the petitioner submits that he would comply with his commitment made before this Court on 17.05.2023 provided child is sent to hostel and he is given joint custody.
3. All the issues including custody of child were adverted while passing order dated 17.05.2023.
4. From the statement of learned counsel for the petitioner, it appears that petitioner is not ready to comply with his commitment as was made before this Court on 17.05.2023. It further appears that he does not want to settle the dispute. This reflects his act and conduct.
5. In view of act and conduct of the petitioner, this Court does not find it appropriate to exercise its extra-ordinary jurisdiction under Section 482 Cr.P.C. to quash impugned FIR and consequent proceedings. The present petition deserves to be dismissed.
6. Accordingly petition is dismissed.

( JAGMOHAN BANSAL )  
JUDGE

26.05.2023  
Ali

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