IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.15267 of 2023
Date of Decision: 06.09.2023

Abhishek Sharma & Ors.

…Petitioners

Versus

State of Haryana and another

…Respondents

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

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

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

Mr. Rohit Sharma, Advocate, appearing for
Mr. Mandeep Nehra, Advocate,
for respondent No.2.

* * * *

MEENAKSHI I. MEHTA, J.(ORAL)

The petitioners herein seek the quashing of the FIR bearing No.0023 dated 19.01.2023 registered at Police Station Bilaspur, District Yamuna Nagar, under Sections 323, 354, 406, 498-A and 506 IPC as well as all the consequential 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, as levelled by respondent No.2-complainant in the subject FIR, are that the petitioners had subjected her to cruelty for bringing insufficient dowry and

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2023.09.19 01:14
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for demanding more dowry and also due to the non-fulfilment of their said demand and petitioner No.5 had tried to outrage her modesty.

3. Vide the order dated 27.03.2023 as passed by the Co-ordinate Bench, the parties were directed to appear before the Area/Duty Magistrate on 18.04.2023 for recording their statements in respect of the afore-referred compromise and in compliance of this order, the Sub Divisional Judicial Magistrate, Bilaspur recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that the compromise arrived at between the parties is valid/genuine and it has been affected by them out of their free will and without any kind of fear, pressure, coercion and undue influence and it is not the result of any fraud or misrepresentation and there are five accused, i.e the petitioners, in this case and none of them has been declared proclaimed offender and as per the statement of the Investigating Officer ASI Sudesh, the petitioners are not involved in any other criminal case. Statements of the petitioners, respondent No.2-complainant and the above-named Investigating Officer have been annexed with the said report. Learned counsel for the petitioners has also submitted the copies of the judgment and the decree, as passed by the Family Court, Camp at Bilaspur, on 18.04.2023 qua the dissolution of the marriage between petitioner No.1 and respondent No.2, 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 counsel appearing for respondent No.2 in the instant petition and have also perused the file thoroughly.

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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 the copies of the above-mentioned judgment and the decree, petitioner No.1 and respondent No.2 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 be an exercise in futility.

6. Keeping in view the afore-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.0023 dated 19.01.2023 as registered at Police Station Bilaspur, District Yamuna Nagar, under Sections 323, 354, 406, 498-A and 506 IPC as well as all the consequential proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

(MEENAKSHI I. MEHTA)
06.09.2023 **JUDGE**
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Whether speaking/reasoned: Yes
Whether Reportable: No

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