

2023:PHHC:086968

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

278

CRM-M No.22209 of 2022
Date of Decision: 12.07.2023

Gaurav Bhardwaj

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab
for respondent No.1-State.

Mr. Vikas, Advocate appearing for
Ms. Shazia K. Singh, Advocate
for respondent No.2.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has prayed for the quashing of the FIR bearing No.009 dated 03.08.2021 registered at Police Station Women, Ludhiana (Rural) under Sections 498-A & 406 IPC as well as all the subsequent 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. Bereft of unnecessary details, the allegations, as levelled by respondent No.2-complainant against the petitioner in the subject FIR, are that he had subjected her to cruelty due to the non-fulfilment of his demand for more dowry and had also retained the dowry articles.

3. Vide the order dated 23.05.2022 as passed by the Co-ordinate Bench, the parties and the Investigating Officer had been directed to appear before the Area Magistrate/trial Court on 02.06.2022 for recording their statements in respect of the afore-mentioned compromise. In compliance of this order, learned Judicial Magistrate First Class, Jagraon, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that she is satisfied that the parties have entered into an amicable settlement and they have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will and as stated by the Investigating Officer named ASI Surjit Singh, there is only one complainant namely Sakshi Sharma, i.e respondent No.2 and only one accused named Gaurav Bhardwaj, i.e the petitioner, in the present case and no other proceedings are pending against the petitioner and he has not been declared to be a proclaimed offender. Statements of the petitioner, respondent No.2-complainant and the above-said Investigating Officer have been annexed with the afore-referred report. Learned counsel for the petitioner has also submitted the copies of the judgment and decree dated 12.07.2022 as passed by learned Additional Principal Judge, Family Court, Ludhiana (holding Camp Court at Jagraon), qua the dissolution of the marriage between the complainant and the petitioner, in the Court today and these documents have been placed on the file.

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

5. The above-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come and moreover, respondent No.2-complainant and the petitioner have already parted their ways, by way of dissolution of their marriage vide the afore-said judgment and decree 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 petitioner 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.009 dated 03.08.2021 registered at Police Station Women, Ludhiana (Rural), under Sections 498-A & 406 IPC as well as all the subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

12.07.2023

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No