

2023:PHHC:083847

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

278

CRM-M No.24837 of 2023
Date of Decision: 04.07.2023

Tarun Arora and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Tara Dutt, Advocate appearing for
Mr. Lakshay Bector, Advocate
for the petitioners.

Mr. Mohinder Singh Joshi, Addl. A.G., Punjab
for respondent No.1-State.

Ms. Kashish Aggarwal, 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.133 dated 11.11.2022 registered at Police Station Daresi, District Ludhiana, under Sections 406 & 498-A IPC as well as all the incidental 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 petitioners in the subject FIR, are that they subjected her to cruelty for demanding more dowry and have also retained the dowry articles.

3. Vide the order dated 16.05.2023 passed by the Co-ordinate Bench, the parties were directed to appear before the trial Court/Illaq Magistrate on 22.05.2023 for recording their statements in respect of the afore-mentioned compromise. In compliance of this order, learned Judicial Magistrate First Class, Ludhiana, recorded their (parties') statements and has submitted her report (which is already available on the file), mentioning therein that the compromise has been affected between the parties voluntarily and without any pressure, coercion or undue influence from any quarter and out of their free will and the same is a genuine one and that as per the statement of the Investigating Officer, 02 (two) persons namely Tarun Arora and Gulshan Kumar Arora, i.e the present petitioners, had been nominated as the accused in the above-said FIR and no other criminal proceedings are pending against them. ASI Sukhdev Singh, the Investigating Officer, has also stated that none of the accused (petitioners) has been declared a proclaimed offender. Copies of the separate statements of respondent No.2-complainant and the afore-named Investigating Officer and also of the joint statement of both the petitioners have been annexed with the above-mentioned report.

4. I have heard learned counsel for the petitioners 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 afore-said 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 has categorically mentioned in her above-

referred statement that she and petitioner No.1 have already filed a petition under Section 13-B of the Hindu Marriage Act for seeking the dissolution of their marriage on the basis of mutual consent. 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.133 dated 11.11.2022 registered at Police Station Daresi, District Ludhiana, under Sections 406 & 498-A IPC as well as all the incidental proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

04.07.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No