

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M- 26044-2022

Date of decision : 15.05.2023

Vipul and Ors.

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Sandeep Gahlawat, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Amandeep Kaur, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioners- Vipul, Satish and Prem have filed the instant petition under Section 482 of Cr.P.C. for quashing of Criminal Complaint No.43 dated 26.05.2016(COMI-320 of 2016), under Sections 498-A, 406, 323 & 506 of IPC read with Section 34 of IPC, filed by respondent No.2, summoning order dated 09.02.2017 and all other subsequent proceedings on the basis of compromise between the parties dated 01.06.2022 (Annexure P-5).

The respondent No.2-Kiran filed complaint under Section 156(3) Cr.P.C. seeking direction to SHO, Police Station Old Subzi Mandi, Rohtak to register case under Sections 498-A, 406, 323, 506, 34 of IPC pending in the court of Judicial Magistrate 1st Class, Rohtak in which summoning order was passed.

As per the facts of the case, the complainant –Kiran got married with Vipul on 24.02.2016 at Rohtak. Her parents had given huge dowry at the time of marriage. The accused were not satisfied with the dowry articles. They were complaining for bringing less dowry and taunted her for not bringing a Swift car in marriage. All her gold and silver ornaments were kept by accused No.3-Prem. On 05.03.2016, she was turned out of the matrimonial home in order to pressurize her to satisfy their demand. She told her husband that he was doing job, therefore, he could purchase a car on this he got furious. She was physically assaulted. Her parents along with respectables approached the accused persons but they repeated their demand for a car and cash of Rs.2 Lacs. They flatly refused to keep her. Again another Panchayat was convened on 08.05.2016 but all in vein. Ultimately, she filed the complaint. Copy of complaint is Annexure P-1. Copy of summoning order passed in the aforesaid complaint dated 09.07.2016 is Annexure P-2.

The petitioners filed this petition for quashing of aforesaid complaint on the basis of compromise. The petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. The detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Rohtak dated 18.10.2022. The statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioners. She confirmed that this compromise has been effected without any pressure, coercion from any side and she has no objection regarding quashing of complaint.

The petitioners- Vipul, Satish and Prem have also confirmed this fact in their separate statement. As per the report of Judicial magistrate 1st Class,

Rohtak the accused are neither involved in any other case nor have been declared as proclaimed offenders.

Therefore, from the report of Judicial Magistrate 1st Class, Rohtak, it is clear that the compromise has been effected between the parties without any pressure, coercion or undue influence, which is acceptable to both the parties. They have mutually settled all their matrimonial disputes. They have also filed joint petition under Section 13-B of Hindu Marriage Act in which decree of divorce has been granted on 08.08.2022 (Annexure P-7). Now, they will be able to live independently in peace. No purpose would be served with the continuation of criminal proceedings.

Therefore, considering these facts the petition filed by the petitioners is accepted and Criminal Complaint No.43 dated 26.05.2016, under Sections 498-A, 406, 323 & 506 of IPC read with Section 34 of IPC, filed by respondent No.2, summoning order dated 09.02.2017 and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

15.05.2023.
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No