

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.44174 of 2022 (O&M)
Date of Decision: 22.08.2023**

Arjun

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

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

Present:- Mr. Ankur Dua, Advocate,
for the petitioner.

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

Mr. Hardeep Singh, Advocate, appearing for
Mr. Sankalp, Advocate,
for respondent No.2.

* * * *

MEENAKSHI I. MEHTA, J.(ORAL)

The petitioner herein seeks the quashing of the FIR bearing No.0163 dated 15.06.2021 registered at Police Station Arya Nagar, Rohtak under Sections 323, 354, 406, 498-A and 506 IPC as well as all the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise regarding their dispute, culminating in the registration of the said FIR.

2. Bereft of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that the petitioner and his parents had subjected her to cruelty for demanding more dowry and due to the non-fulfilment of their said demand and they had also retained her

'Istri-dhan' and other dowry articles and accused Dinesh used to abuse her under the influence of liquor.

3. Vide the order dated 23.09.2022 as passed by the Co-ordinate Bench, the parties had been directed to appear before the trial Court/Illaqa Magistrate on 19.10.2022 for recording their statements in respect of the afore-referred compromise and in compliance of this order, learned Judicial Magistrate Ist Class, Rohtak, recorded their (parties') statements and has submitted her report (as already available on the file), while mentioning therein that she was satisfied that the matter had been amicably settled between the complainant and the accused, i.e respondent No.2 and the petitioner respectively and the said settlement was affected voluntarily and without any pressure, coercion or undue influence and it appeared to be genuine and as per the statement of the Investigating Officer S.I. Ram Parshad, the FIR had been registered against three persons namely Arjun Malhotra, Indu Malhotra and Dinesh Malhotra but the Final Police Report has been presented against only one accused, i.e the petitioner and that the petitioner has not been declared proclaimed person/offender and is also not involved in any other criminal case. The statements of the petitioner, respondent No.2 and the afore-named Investigating Officer, have been annexed with the above-said report. Learned counsel for the petitioner has submitted the copies of the judgment and decree passed by the Additional Principal Judge, Family Court, Rohtak, on 19.10.2022 qua the dissolution of the marriage between the petitioner and respondent No.2-complainant, in the Court today and the same have been placed on the file.

5. I have heard learned counsel for the petitioner 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.

6. The afore-mentioned compromise has been affected to put the dispute between the parties at rest for all the times to come. Moreover, the petitioner and respondent No.2 have already parted their ways by way of the dissolution of their marriage vide the above-said judgment and decree dated 19.10.2022, 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 such circumstances, the continuation of the proceedings in the case arisen out of the subject FIR, would be an exercise in futility.

7. 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.0163 dated 15.06.2021 as registered at Police Station Arya Nagar, Rohtak under Sections 323, 354, 406, 498-A and 506 IPC as well as all the subsequent proceedings arising therefrom (if any), are hereby quashed. The petition in hand stands allowed accordingly.

22nd August, 2023

seema

Whether speaking/reasoned:

Whether Reportable:

Yes

No

(MEENAKSHI I. MEHTA)
JUDGE