

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M- 51228-2022

Date of decision : 24.04.2023

Nirmal Kagra

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Akshay, Advocate for the petitioner.

Mr. Vijesh Sharma, Addl. A.G.Haryana.

Mr. Ankur Sheoran, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioner- Nirmal Kagra has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.186 dated 25.10.2021, under Sections 323, 406, 377, 498-A, 376, 511, 506 of IPC (Charges framed under Sections 323, 498-A, 506 of IPC), registered at Women Police Station, District Karnal and all other subsequent proceedings on the basis of compromise between the parties dated 12.10.2022 (Annexure P-2).

As per the facts of the case, the complainant – Tamanna filed written complaint against her husband Nirmal Kagra and others, alleging that she and Nirmal Kagra were studying in the same class in the same school. They were known to each other. In November, 2017, he along with his sister Shabnam took

her in his car by saying that on that day it was his birthday. She was taken to some unknown place. They had cut the cake and consumed cold drink. She fainted and when she regained senses, she came to know that Shabnam was not present on the spot. She was lying naked in the car and the accused No.1 had raped her. Thereafter, he had called his sister and both of them were brought back. She did not disclose about this occurrence to her parents. She was mentally upset as he threatened her to show her obscene photographs. On 10.05.2020, all the accused came in a temple and she was also called. They prepared documents for marriage. She could not talk to her family. The accused No.1 indulged in unnatural sex. She was ill-treated by all the accused persons. Her father-in-law also misbehaved with her. She started having stomach pain and ultimately taken to Pathak Hospital, Karnal, where it was told that her uterus has to be removed. It happened due to the kick blows given in her stomach. The accused persons started raising demand for cash of Rs.2 lacs and other articles. She was threatened with knife. On 04.04.2021, she was beaten up, on this she called the police and she was rescued. Ultimately, the complaint was filed, on the basis of which present FIR has been registered.

The petitioner filed this petition for the quashing of aforesaid FIR on the basis of compromise. The petitioner 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, Karnal dated 05.01.2023. The statement of respondent No.2 has been recorded, where she confirmed the compromise with the petitioner. She confirmed that this compromise has been

effected without any pressure, coercion from any side and she has no objection regarding quashing of FIR.

The petitioner-Nirmal Kagra also confirmed this fact in his separate statement. The statement of ASI Parveen Lata is also recorded who further confirmed that the accused is neither involved in any other case nor has been declared as proclaimed offender.

Therefore, from the report of Judicial Magistrate 1st Class, Karnal 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 03.01.2023. The date of marriage is mentioned as 10.05.2020. They will be able to live independently in peace and harmony. No purpose would be served with the continuation of criminal proceedings

Therefore considering these facts the petition filed by the petitioner is accepted and FIR No.186 dated 25.10.2021, under Sections 323, 406, 377, 498-A, 376, 511, 506 of IPC (Charges framed under Sections 323, 498-A, 506 of IPC), registered at Women Police Station, District Karnal and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

24.04.2023.
Sunil Devi

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