

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-54556-2022

Date of decision : 17.05.2023

Himanshu and Another

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rahul, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioners.

Ms. Mayuri Lakhanpal, DAG, Haryana.

Mr. Parveen Kumar, Advocate for
Mr. Shiv Kumar Rana, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

The petitioners-Himanshu and Babli have filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.34 dated 30.06.2020, under Sections 498-A, 406, 34 of IPC, registered at Women Police Station, Sector 51, Gurugram, District Gurugram and all other subsequent proceedings on the basis of compromise between the parties dated 12.11.2022 (Annexure P-2).

As per the facts of the case, the complainant - Jyoti Yadav filed written complaint against her husband Himanshu and in-laws family, alleging that her marriage was fixed with Himanshu with the intervention of known person. It was mutually decided that it would be a dowry less marriage. She was engaged on

02.12.2016 and the marriage took place on 01.03.2017. During the intervening time period her mother-in-law started raising demand for clothes and jewellery. They also raised demand for a car. Her parents had fulfilled the desire of her in-laws. Her father purchased Swift VDI car in the name of her husband Himanshu. The dowry articles were sent to the house of her in-laws family. Soon after marriage she was harassed for bringing less dowry. The behaviour of her husband was harsh towards her. She was working in the matrimonial home throughout the day. They did not permit her to use the car. For sometimes the behaviour of her husband was surprisingly good towards her. She was not given comfortable atmosphere in the matrimonial home by her in-laws family. In 2017, her mother-in-law told her to go to her parental house to meet her parents. On the arrival of her parents, her in-laws family started dispute with them. Thereafter, her relatives had approached the in-laws family to pacify the matter. She was constantly physically and mentally tortured in the matrimonial home. She has narrated various incidents which took place in the matrimonial home. Ultimately, she filed this complaint and after investigation, the present FIR has been registered.

The petitioners filed this petition for the quashing of aforesaid FIR 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, Gurugram dated 14.02.2023. 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 FIR.

The petitioners-Himanshu and Babli have also confirmed this fact in their separate statements. The statement of ASI Parveen is also recorded who further confirmed that 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, Gurugram 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 30.01.2023 (Annexure P-4). 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 FIR No.34 dated 30.06.2020, under Sections 498-A, 406, 34 of IPC, registered at Women Police Station, Sector 51, Gurugram, District Gurugram and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

(AMARJOT BHATTI)
JUDGE

17.05.2023.
Sunil Devi

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