

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-57162-2022

Date of decision : 26.05.2023

Anil

..... Petitioner

V/S

State of Haryana and Ors.

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ajay Ghangas, Advocate for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

Mr. Om Malhan, Advocate
for Mr. A.P.S.Nain, Advocate for respondent Nos.2 and 3.

AMARJOT BHATTI J. (ORAL)

The petitioner-Anil has filed the instant petition under Section 482 of Cr.P.C. for quashing of FIR No.218 dated 02.06.2017, under Sections 498-A, 406, 506, 323 of IPC, registered at Police Station Urban Estate, District Rohtak and all other subsequent proceedings on the basis of compromise between the parties dated 28.11.2022 (Annexure P-2).

As per the facts of the case, the complainant – Mahender Singh Dahiya filed a written complaint, alleging that the marriage of his daughter Shalini was performed with Anil on 16.01.2013 and the reception took place on 17.01.2013. At the time of marriage, he had given dowry consisting of domestic articles, ornaments and other luxurious items to the accused-Anil, Ramphal and Santra. After marriage all the accused started harassing his daughter by alleging that the dowry brought by her was insufficient and it was not as per their expectations. They were expecting that he would spent Rs.15 Lacs on marriage

and on this account they used to taunt his daughter. They were expecting money and gifts from him on different occasions. All the gold ornaments and silver ornaments were kept in a locker by the father-in-law. The victim was highly qualified girl but she was not allowed to pursue her carrier. Earlier, she was a practicing lawyer in Tis Hazari Court, Delhi and the accused No.1-Anil was also a practicing lawyer. The accused were demanding ornaments and money from his daughter. She was treated with physical and mental cruelty. He had given five lac rupees to the accused persons to settle his daughter in the matrimonial home. On 18.05.2013, he also paid one lac rupees to save his daughter. In May, 2013 his daughter started residing in a rented house along with her husband but her husband never paid money for the room and kitchen expenses. The accused No.1 extracted money to purchase a house. The victim during her pregnancy was not given proper treatment. He has narrated various incidents when the victim was treated with cruelty by her husband and in-laws family from time to time. On the birth of a daughter, the accused persons ill-treated his daughter as well as the small child. His daughter was told to bring Rs.20 Lacs from her father. The victim is living under constant fear. She is apprehending threats from anti-social elements. With these allegations, the present complaint was filed and after investigation, the 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 Nos.2 & 3 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 02.02.2023.

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. As per the report the complainant i.e. respondent No.3 was expired on 30.12.2022.

The petitioner-Anil also confirmed this fact in his separate statement. The statement of HC Vinod 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, 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 11.01.2023. Now 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.218 dated 02.06.2017, under Sections 498-A, 406, 506, 323 of IPC, registered at Police Station Urban Estate, District Rohtak and the consequential proceedings arising therefrom are quashed.

Accordingly, the present petition stands accepted.

26.05.2023.

Sunil Devi

(AMARJOT BHATTI)
JUDGE