



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-586-2023

Date of decision: 22.05.2024

MAHABIR AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surender Saini, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Jaswinder Singh Rana, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.30 dated 31.05.2016 under Sections 323, 34, 406, 498-A IPC registered at Women Police Station, District Sonipat (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 03.12.2022 (Annexure P-2).

2. The following order was passed on 09.01.2023 :-

“The petitioners have filed petition under Section 482 Cr.P.C. for quashing of FIR No.30 dated 31.05.2016 under Sections 323, 34, 406, 498-A IPC registered at Women Police Station District Sonipat and all the subsequent proceedings arising there from, qua the petitioners, in light of the compromise effected between the parties.

Notice of motion.

On the asking of this Court, Ms. Ambika Sood, Additional A.G. Haryana, accepts notice on behalf of the State. Learned



counsel for the petitioner is directed to supply her a complete copy of the paperbook.

Learned counsel for respondent No.2 filed Power of Attorney which is taken on record.

Let the statement of the parties concerned be recorded with regard to the aforesaid compromise on 22.02.2023 before the learned Illaqa/Duty Magistrate, concerned or on any early date convenient to the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report.

- 1. The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender or any such proceedings have been initiated or pending against them.*
- 2. Whether the compromise entered between the parties is genuine voluntarily without any coercion or undue influence.*
- 3. Statement of IO regarding involvement of petitioners in any other FIR.*
- 4. Status of the trial pending before the Court.*

To await the report, list again on 23.03.2023.”

3. In compliance of the above order, a report dated 27.02.2023 has been received from the concerned jurisdictional Court in which, it has been reported that complainant-Sonia had appeared before the Court below, however, she has not settled her dispute regarding matrimonial issues with the petitioner No.1-husband and his family and she has further stated that she along with petitioner No.1-husband has filed a petition under Seciton 13-B of Hindu Marriage Act, 1955 before learned Family Court, Sonipat for mutual divorce and first motion has been recorded and an amount of Rs.6,00,000/- has been paid by petitioner No.1 to her and the case is now pending for second motion for 06.07.2023 and she needs more time to affect compromise with the petitioners.

4. Learned counsel for the petitioners has produced certified copies of the statements of the parties in the second motion before the learned Principal Judge, Family Court, Sonipat and also the certified copy of decree of



divorce. Learned counsel has also produced certified copy of the order passed by learned Judicial Magistrate Ist Class, Sonipat under the provisions of Protection of Women from Domestic Violence Act, 2005. All the documents are taken on record subject to all just exceptions. Registry is directed to tag them at the appropriate place.

5. Learned counsel for respondent No.2 submits that respondent No.2 has already received full and final settled amount and also taken her gold articles and she has agreed that nothing remains due towards permanent alimony for claim of future maintenance. Learned counsel further submits that respondent No.2 has no objection in case, the FIR (supra) be quashed as she has also re-married.

6. Joint statements of second motion are reproduced hereunder :

“Today, petitioner No.2 Sonia has received a sum of Rs.7,50,000/- (Rupees Seven Lakh and fifty thousand only) from petitioner No.1 Mahabir. She has received an amount of Rs. 1,50,000/- in cash and an amount of Rs. 6,00,000/- through cheque bearing no. 000003 dated 29.07.2023 drawn on HDFC Bank, Railway Road, Namaste Chowk, Ganaur, Sonapat, in pursuance of statement of first motion. She has also received a gents gold ring, one nose ring, one silver necklace from the petitioner No.1. Nothing remain due against petitioner no. 1 with regard to dowry articles. Petitioner no.2 Sonia has already received Rs. 6,00,000/- (Rupees six Lakh only) from petitioner No.1 Mahabir at the time of first motion statement towards permanent alimony.

It has also been agreed between the parties to the petition that petitioner no. 2 would appear on 27.09.2023 before Hon’ble Punjab and Haryana High Court, Chandigarh and would endorse no objection for quashing of the FIR No. 30 dated 31.05.2016 Section 323, 406, 498-A, 34 IPC and would be bound to make statement before trial Court as per direction given by the Hon’ble High Court.

Our marriage may be dissolved by decree of divorce by way of mutual consent. Nothing remains due towards either side and



no claim of future maintenance, alimony or any right in property would be raised by either of the parties. The petitioner no. 2 shall not claim any future maintenance on behalf of minor Kavya against petitioner no. 1. The mutual consent has not been obtained any force, fraud, undue influence, threat to anyone and this petition has not been presented in collusion with each other.”

7. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834*** and ***Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63*** and Full Bench of this Court in ***Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052***, this petition is allowed and FIR No.30 dated 31.05.2016 under Sections 323, 34, 406, 498-A IPC registered at Women Police Station, District Sonipat (Annexure P-1) and all consequential proceedings arising out of the same are quashed, qua the petitioners.

May 22, 2024
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |