



Sr. No.304

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

**CRM-M-6635-2024 (O&M)
Date of decision: 01st August 2024**

NAVNEESH AGGARWAL AND ORS.Petitioners

versus

STATE OF HARYANA AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Suvir Kumar, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Vishal Garg, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.67 dated 15.05.2019, under Sections 323, 406, 498-A, 506 IPC, 1860, registered at Police Station Radaur, District Yamunanagar, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 14.09.2023 (Annexure P-2), executed between the parties.
2. Notice of motion was issued as per the order dated 09.04.2024 and the parties were directed to appear before the trial Court for recording of their statements regarding the genuineness of the compromise *inter se* the parties.
3. As per the order dated 15.04.2024, it was noticed that though the parties have allegedly effected a compromise but as per the contentions in the FIR (Annexure P-1), there are allegations that petitioner No.1 used to keep the daughter of respondent No.2 namely LXXX outside the house till late night and used to



threaten her to ask for her share from her father. After noticing the said allegations in the FIR, the following order was passed and the Area Magistrate was directed to interact with the child, if so required, and submit a report thereafter:-

“xxx xxx xxx xxx

Though the parties are alleged to have effected a compromise and report of Judicial Magistrate 1st Class, Jagadhri after recording of the statement of the parties has also been received, however as per the FIR (Annexure P-1), there are allegations that the petitioner No.1 used to keep the daughter of respondent No.2 namely LXXXX out of the house at late nights and used to threaten her to ask for her share from her father.

The allegations qua the alleged victimization to the child of respondent No.2 from her previous marriage are as under:

“That accused no.1 started forcing the applicant to ask for her share in the property from her parents, otherwise, she will not be allowed to live in the house. That the accused persons, with the intention to harass the applicant, used to keep the daughter of the applicant namely Lavanya out of the house at late nights and used to threaten to ask for her share from her father who is residing in Lakshar, otherwise, we will not incur her expenses. 9. That the parents of the applicant had deposited an amount of Rs.6,00,000/- in the account of the applicant for her future, but when the applicant came to know about the same, then the accused no.1, got opened a joint account in his name and in the name of applicant and deposited an amount of Rs.2,00,000/- in the said account, from withdrawing the same from the above said account of the applicant and threatened the applicant that if she disclosed the same to anyone, then she will be killed. That in this way an amount of Rs.4,00,000/- remained in the account of the applicant. That the accused persons used to pressurize the applicant to transfer the remaining amount also. When the applicant refused to agree with the accused persons, the accused persons used to give beatings to the applicant and used to say that until the amount is not transferred, till then they will not let her live peacefully.”

It is alleged that both the petitioner No.1 and respondent No.2 were earlier married and were having one child each from their previous marriage.



In view of the allegations in the FIR, which are qua the minor child, let the Area Magistrate record the statement of the parties afresh with regard to the said allegations.

Area Magistrate shall also interact with the child, if so required.

The parties are directed to appear before the Area Magistrate up-to 15.05.2024 for recording of their statements. After recording the statements of all the accused, victim, complainant and injured if any, the Area Magistrate shall send a fresh report to this Court on the following facts well before the next date of hearing:-

I. Whether a genuine compromise has been arrived at between all the affected parties.

II. Whether the allegation regarding “victimization of child” as alleged in the FIR are prima facie there despite there being alleged compromise dated 14.09.2023 (Annexure P-2).

To await report, adjourned to 02.07.2024.

A photocopy of this order be placed on the file of connected case.”

4. Fresh report of the Area Magistrate has been received, which has been wrongly appended by the Registry in the connected petition bearing No. CRM-M-26478-2019. The Registry is directed to de-tag the said report from the said petition and tag the same with the present petition.

5. As per the fresh report received from the Area Magistrate, Jagadhri dated 12.06.2024, she has interacted with the child and even recorded her statement in vernacular. The age of the child is 11 years. Even before recording of the statement of the child, the Area Magistrate has put preliminary questions and observed that the minor child was accompanied with her mother and grandfather and her statement has been recorded after observing that the child is comfortable. The report transpires that the child was alone with the Magistrate when her statement was recorded. On the basis of the said statement, the Area Magistrate has



reported that the allegations regarding the victimization of the child are substantiated.

6. In view of the above, this Court is not inclined to invoke the extraordinary jurisdiction under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise between the petitioners, step-father of the child and respondent No.2, who is the mother of the child.
7. Consequently, the present petition stands dismissed.
8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

01st August 2024
simran

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No