



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

CRM-M-25930-2024
Date of decision: 30.08.2024

ARUN RAHEJA

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gaurav Singla, Advocate
 for the petitioner.

 Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.942 dated 14.09.2018 registered under Sections 323, 34, 354-A(1)(i), 377, 406, 498-A and 506 IPC at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all the subsequent proceedings arising therefrom qua the petitioner.
2. Brief facts of the case as alleged are that marriage between the petitioner and respondent No.2 was solemnized on 10.10.2016 at Karnal. No child was born out of the wedlock. A few days after the marriage, a friend of the petitioner molested the complainant under the influence of alcohol but the petitioner did not take any action and thereafter, the petitioner started harassing the complainant/respondent No.2 on account of demand of dowry. When the complainant/respondent No.2 narrated the whole incident to her family, they spoke to her in-laws but they did not mend their ways. Hence, the FIR (supra) was registered.



Kumar, HPS, Deputy Superintendent of Police, Headquarter Hisar on behalf of respondent No.1-State has been filed and the same is taken on record.

4. Learned counsel for the petitioner *inter alia* contends that marriage between petitioner and respondent No.2 was resolved by way of mutual consent and statement of respondent No.2, recorded by learned Family Court, Hisar clearly indicates that matter regarding her permanent alimony and maintenance towards past, present and future had been settled and she has received a sum of Rs.7,00,000/- in the form of cheque at the time of recording of statement in first motion and remaining amount of Rs.7,00,000/- in the form of demand draft bearing No.054247 dated 28.11.2023 from petitioner in second motion and she has further undertaken not to claim any maintenance from petitioner. Learned counsel further submits that the judgment and decree of divorce passed under Section 13-B of Hindu Marriage Act, dissolving the marriage between the parties is available on record as Annexure P-7. Thereafter, the petitioners filed a petition bearing CRM-M No.41780 of 2023 seeking quashing of FIR (supra) on the basis of compromise, however, respondent No.2 did not co-operate and did not come forward to record her statement. As such, the petitioner had no other option but he has to withdraw the aforesaid petition.

5. Learned State counsel could not controvert the fact that the decree of divorce has been passed on the basis of mutual consent between petitioner and respondent No.2 vide Annexure P-7 and respondent No.2 has received entire payment towards her past, future and present alimony.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the matter had been compromised between the parties, as recorded by them in their joint statement



dated 28.11.2023 before the learned Family Court (Annexure P-6). A perusal of order dated 29.02.2024 (Annexure P-8) passed by this Court indicates that respondent No.2 was served and admitted the factum of compromise, in the petition bearing no.CRM-M-41780-2023, wherein FIR (supra) was sought to be quashed based on compromise. The said petition was ultimately allowed to be withdrawn vide order dated 22.04.2024 (Annexure P-9) as respondent No.2 did not come forward to record her statement before the Court concerned in support of the compromise. A perusal of Annexure P-7 indicates that decree of divorce was obtained by way of mutual consent between the parties and respondent No.2 has been paid a sum of Rs.14,00,000/- by way of permanent alimony towards her past, present and future settlement, in accordance with the terms of the compromise. As such, respondent No.2 has clearly resiled from the compromise after deriving benefit from it and allowing the same would be detrimental to the cause of justice.

7. A two Judge bench of the Hon'ble Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agarwal 2004(4) R.C.R(Criminal) 949***, speaking through Justice Umesh C. Banerjee, opined as follows:

“6. It is based on the said compromise the appellant obtained a divorce as desired by her under Section 13B of the Hindu Marriage Act and in partial compliance of the terms of the compromise she withdrew the criminal case filed under Section 125 of the Criminal Procedure Code but for reasons better known to her she did not withdraw that complaint from which this appeal arises. That apart after the order of the High Court quashing the said complaint on the ground of territorial jurisdiction, she has chosen to file this appeal. It is in this background, we will have to appreciate the merits of this appeal.



7. *Learned counsel appearing for the appellant, however, contended that though the appellant had signed the compromise deed with the above-mentioned terms in it, the same was obtained by the respondent-husband and his family under threat and coercion and in fact she did not receive lump sum maintenance and her Stridhan properties, we find it extremely difficult to accept this argument in the background of the fact that pursuant to the compromise deed the respondent-husband has given her a consent divorce which she wanted thus had performed his part of the obligation under the compromise deed. Even the appellant partially performed her part of the obligations by withdrawing her criminal complaint filed under Section 125. It is true that she had made a complaint in writing to the Family Court where Section 125 Criminal Procedure Code proceedings were pending that the compromise deed was filed under coercion but she withdrew the same and gave a statement before the said court affirming the terms of the compromise which statement was recorded by the Family Court and the proceedings were dropped and a divorce was obtained. Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.”*

8. Further, a Co-ordinate bench of this Court in ***Krishan Singh and Others vs. State of Punjab and Another 2020(4) R.C.R. (Criminal) 327***, speaking through Justice Jaishree Thakur, made the following observations:

*“7. The judgment as rendered in **Ruchi Agarwal (supra)** has subsequently been followed in **Mohd. Shamim vs. Smt. Nahid Begum, 2005 (1) RCR (Criminal) 697** and **Shlok***



Bhardwaj Vs. Runika Bhardwaj and others, 2015 (2) SCC 721, wherein it has been held that after the matter has been settled between the parties the wife is estopped from continuing criminal proceedings. The judgment of Mohd. Shamim vs. Smt. Nahid Begum(supra) has subsequently been followed by this Court in 'Nirmal Sachdeva vs. State of Haryana and another, 2008 (27) RCR (Criminal)153', 'Kamal Kishore and others vs. State of Punjab and another, 2006 (2) RCR (Criminal) 342' , and 'Naveen and others vs. State of Haryana and another 2019 CrI. LJ 1004' in CRM-M-17367-2018 decided on 06.12.2018 and 'Ram Lal and others Vs. State of Haryana and another, 2008(2) RCR (Criminal) 823'.'”(emphasis added)

9. In view of the discussion above, the present petition is allowed and FIR No.942 dated 14.09.2018 registered under Sections 323, 34, 354-A(1)(i), 377, 406, 498-A and 506 IPC at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

August 30, 2024
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(HARPREET SINGH BRAR)
JUDGE

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