

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****101****CRM-M-30521-2024 (O&M)****Reserved on : 21.08.2024****Date of decision : 03.09.2024**

Richa Sood

...Petitioner

Versus

Davinder Pal Sood and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajesh Narang, Advocate and
Mr. Abhinav Narang, Advocate for the petitioner.

ALKA SARIN, J.

1. This is a petition under Sections 439(2) and 482 CrPC read with Article 215 of the Constitution of India for cancellation of the anticipatory bail granted to respondent No.1 and for revival of the FIR lodged against respondent Nos.1 to 5.

2. This case arises out of a matrimonial dispute. In FIR No.236 dated 27.11.2020 lodged under Sections 406, 498A, 506, 120-B IPC at Police Station Fatehgarh Sahib the respondent No.1 was granted anticipatory bail vide order dated 07.01.2021 (Annexure P-2) which was confirmed vide order dated 18.07.2023 (Annexure P-9) passed in CRM-M-491-2021 as the parties entered into a compromise before the Mediation and Conciliation Centre of this Court. On the basis of the compromise and affidavit submitted by the petitioner the Police prepared a cancellation report. The petitioner accepted the cancellation report before the JMIC and the cancellation report was accepted by the National Lok Adalat on 09.12.2023 (Annexure P-13). As per

the petitioner thereafter the respondent No.1 refused to comply with the terms of the compromise and rather gave complaints to the Income Tax Department against the petitioner and her family members. Hence, the petitioner has approached this Court for cancellation of the anticipatory bail granted to respondent No.1 and for revival of the FIR lodged against respondent Nos.1 to 5.

3. Learned counsel for the petitioner submits that the anticipatory bail was granted to the petitioner on the basis of a compromise which was not proper and in accordance with the CrPC. It was further contended that since the anticipatory bail was confirmed by this Court as the parties had at that time compromised the matter and now respondent No.1 is resiling from the compromise, the anticipatory bail granted to respondent No.1 deserves to be cancelled and the FIR against him also should be ordered to be revived. It is urged that the petitioner has been a loser in the entire process as neither the compromise has been complied with and the FIR also stands cancelled. He cited **Biman Chatterjee vs. Sanchita Chatterjee & Anr. [2004(1) RCR Criminal 973]** by the Supreme Court, **Maninder Kaur vs. Gurinder Singh Dhillon [COCP-774-2007 decided on 19.10.2007]** by this Court and judgements by the Delhi High Court in **Rajesh vs. State [2008(3) JCC 1536 = 2008(1) DMC 442]**, **Yash Kumari & Anr. vs. State [2016(4) JCC 2724]**, **Janak Verma vs. State [Cr.MC No.3000-2006 decided on 07.01.2008]**, and judgement by the Patna High Court in **Rashmi Bhola vs. State of Bihar & Ors. [2012(2) DMC 323]**.

4. Heard counsel for the petitioner.

5. The FIR in which respondent No.1 was granted anticipatory bail already stands cancelled by the Police and the cancellation report has been

accepted by the National Lok Adalat vide order dated 09.12.2023 (Annexure P-13). Neither the cancellation report nor the order of the National Lok Adalat have been challenged by the petitioner. Thus, as of today there is no FIR in existence against respondent No.1. That being so, this Court cannot cancel the anticipatory bail granted to respondent No.1 in a case which does not survive. If, hypothetically, the anticipatory bail in favour of respondent No.1 is to be cancelled then in what case is respondent No.1 to be investigated or taken into custody or arrested without the FIR No.236 being in existence ? The petitioner has seemingly not lodged any fresh complaint against the respondent No.1 or his family members till now. Had the cancellation report not been accepted the approach of this Court may have been different. Further, the FIR was not cancelled by this Court so it cannot revive the same. Learned counsel for the petitioner has stressed that the petitioner has been wronged and deserves justice. However, Courts are not guided by sympathy while passing orders and are guided by the law. The judgements relied upon by counsel for the petitioner are distinguishable as the revival of the FIR/complaint in those cases was done by the same Court which quashed them.

6. In view of the above this Court finds no merit in the present petition which is dismissed. The petitioner may, if so advised, seek her remedies as available in law and nothing mentioned in this order shall have any bearing on such remedies. Pending applications, if any, also stand disposed off.

03.09.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO