

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40359-2022 (O&M)

Date of decision:29.04.2024

Deepak

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ojas Bansal, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.
Mr. Tejas Bansal, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 by the petitioner-husband for quashing of FIR No.584 dated 23.06.2018 (Annexure P-1) registered for the offences punishable under Sections 498-A, 323 and 406 of IPC at Police Station City Sirsa, District Sirsa which was got lodged by respondent No.2 (herein)-wife as also all subsequent proceedings emanating therefrom on the basis of mutual agreement/settlement dated 06.07.2022 entered into between the petitioner-husband and respondent No.2-wife. The allegations in the FIR primarily relate to the allegations of harassment on account of dowry and *Istridhan* related criminal breach of trust.

The relevant part of compromise/settlement deed dated 06.07.2022 entered into between the petitioner-husband and respondent No.2-wife (copy whereof has been appended as Annexure P-2) reads as under:-

“1. That the First Party is the complainant in the above stated FIR, who is the aggrieved party in the above said case and the second party is

accused, who have admittedly settled the matter amongst themselves pertaining to the abovesaid FIR.

2. That the First party (complainant, who is the signee of this compromise deed) shall have no objection if the above said FIR is quashed in this case. For this purpose, the first party is ready to give statement and also ready to appear as and when directed by the Hon'ble High Court.

3. That the First Party will cooperate the 2nd party in all the manners, for the above mentioned purpose by way of signing all kinds of application/petition/affidavits/compromise deeds or by way of coming present in person in the Hon'ble High court or before the court as per the directions of the Hon'ble High court for giving of statement to the above effect & to do all kinds of necessary paper work & requisite for the purpose.

4. That both the parties are /shall be bound with this compromise deed & further undertakes to abide by the terms and conditions of this deed.

5. That the compromise has been affected with the intervention of Panchayat and both the parties have amicably settled their dispute and have filed petition under section 13B of Hindu Marriage Act for dissolution of their marriage with mutual consent on 01-07-2022 wherein the first motion statement of the parties has already been recorded and the same is fixed for 02-01-2023 for second motion statements of the parties. In the settlement, it was agreed between the parties that second party will pay a sum of Rs.22 Lac to the first party and her minor daughter as maintenance and permanent alimony. An amount of Rs.11 Lac has already been paid at the time of first motion statement whereas the remaining amount of Rs.11 Lac shall be paid at the time of second motion statement. In the compromise it was further agreed that both the parties will withdraw their cases, if any, pending against each other in different courts.

6. That as per the compromise, now there is no grudge between the parties and the second party has fully satisfied the first party in all the manners and now there is no further dispute between the parties.

This compromise deed has been executed in between the parties without any undue influence, coercion, threat or promise of any kind from any body & both the parties have signed and executed the present compromise deed with their own sweet & free will and consent with the intervention of the respectable person in the presence of the following witnesses to maintain the peace & harmony between the families in future.”

2. Notice of motion of the instant petition was issued on

appearance on that day itself and had admitted the factum of compromise/settlement (Annexure P-2). Further vide order dated 20.03.2024, the parties were directed to get their statements recorded *qua* the factum of compromise before the concerned Illaqa (Jurisdictional) Magistrate. It is pertinent to mention herein that on the said date i.e. 20.03.2024, the learned counsel for respondent No.2 had again admitted to the factum of compromise whereupon the order for recording of the statements by parties before the concerned Illaqa (Jurisdictional) Magistrate was passed.

2.1. In terms of the above-said order dated 20.03.2024 passed by this Court, a report has been received from the concerned Illaqa (Jurisdictional) Magistrate that the petitioner-husband had duly appeared for making the requisite statement but respondent No.2 (herein)-wife did not turn up. It is further stated in this report that there is no other accused in the FIR in question other than the petitioner-husband; the petitioner was not involved in any other FIR & the petitioner was not declared a proclaimed offender by any Court of law. The statement of the investigating officer of the FIR in hand was also recorded by the said Court to this effect. Thereafter, the arguments in the matter were heard on 26.04.2024 and the judgment was reserved.

3. Learned counsel for the petitioner has argued that the entire dispute(s) between the petitioner-husband and the respondent No.2-wife was amicably settled & the petitioner-husband has fulfilled in entirety requirement(s)/condition(s) on his part as per the terms of the settlement/compromise deed dated 06.07.2022. It has been further argued that the petitioner-husband had paid a total sum of Rs.22.00 lacs to

Marriage Act, 1955 was also passed by the Principal Judge, Family Court, Sirsa on 03.08.2022; the respondent No.2-wife had withdrawn the petition filed by her under Section 125 of Cr.P.C. for grant of maintenance & the petition filed by the petitioner (herein)-husband under Section 11 of the Hindu Marriage Act, 1955 was also withdrawn by him in the Daily Lok Adalat of the Family Court, Sirsa on 03.08.2022. Learned counsel has further argued that the matter was also amicably settled regarding the custody of the minor daughter born out of the wedlock of the petitioner-husband and respondent No.2-wife. Learned counsel has further argued that, respondent No.2-wife is now intentionally not turning up to have her requisite statement recorded for quashing of the impugned FIR in terms of the compromise/settlement entered into between the parties, only with a view to harass the petitioner as also to prolong the litigation. Thus, it has been argued that the FIR in question as also all proceedings emanating therefrom deserve to be quashed.

3.1 Learned counsel for the respondent No.2-wife has argued that he had ratified the factum of valid compromise having been entered between the parties before this Court on 05.09.2022 as also on 20.03.2024 in terms of the instructions given to him by respondent No.2-wife. However, learned counsel has fairly submitted that he has no instructions in the matter as to why respondent No.2-wife did not turn up to have her statement recorded in terms of the earlier order dated 20.03.2024 passed by this Court.

3.2 Learned State counsel has not denied the factual aspects raised by learned counsel for the petitioner. Learned State counsel has further submitted that, as per her instructions, the compromise/settlement (Annexure P-2) was, infact, entered into between the petitioner-husband and respondent

4. I have heard learned counsel for the parties and have perused the record.

Prime Issue

5. The prime issue for consideration in the instant petition is that as to whether the impugned FIR (as also all proceedings emanating therefrom) deserves to be quashed in the facts/circumstances of the present case. The analogous legal issue that arises for consideration is as to whether an FIR (as also the proceedings emanating therefrom) deserves to be quashed when the complainant-wife has reaped all the benefits from a settlement/compromise entered into between her and the husband/accused side but is not turning up to make requisite statement in accordance thereof for quashing such FIR (as also all proceedings emanating therefrom).

Relevant Statutory provisions

6. Section 406 of the Indian Penal Code, 1860 (hereinafter referred to as 'the IPC, 1860') reads as under:-

“406. Punishment for criminal breach of trust.—Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Section 498-A of the Indian Penal Code, 1860 reads as under:-

“498-A. Husband or relative of husband of a woman subjecting her to cruelty— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

Section 482 of the Code of Criminal Procedure, 1973 reads as under:-

“482. Saving of inherent powers of High Court.- Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under

this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

Relevant Case Law

7. The precedents, germane to the issue(s) in question, are as follows:

(i) In a judgment titled as ***Ruchi Agarwal vs. Amit Kumar Agarwal*** 2005(3) SCC 299, the Hon’ble Supreme Court has held as under:-

“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 Cr.P.C. 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.

(ii) Reiterating the dicta of judgment in ***Ruchi Agarwal*** case (*supra*), the Hon’ble Supreme Court in a judgment titled as ***Mohd. Shamim vs. Smt. Nahid Begum***, 2005(3) SCC 302, has held as under:-

“14. This Court in Ruchi Agarwal v. Amit Kumar Agarwal & ors., 2004(4) RCR (Criminal) 949 (SC): [2004(8) Supreme 525], in almost a similar situation has quashed a criminal proceeding against the husband, stating :

“....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. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue....”

(iii) In a judgment titled as ***Mahmood Ali & ors. Vs. State of U.P. & Ors. 2023 INSC 684***, the Hon’ble Supreme Court has held as under:-

“12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.....”

(iv) In a case titled as ***“Talima vs. State of Haryana and others, Neutral Citation No.2024:PHHC:035176***, decided on 12.03.2024, this Court has held as follows:-

9. *To consider this aspect, it would be apposite to delve into the nature, scope and ambit of powers of the High Court under Section 482 of Cr.P.C., 1973.*

9.1. *Section 482 of Cr.P.C. of 1973 is, in fact, statutory recognition of the doctrine of inherent jurisdiction of a High Court. This doctrine received statutory recognition, for the first time, when Section 561-A was inserted in Criminal Procedure Code of 1898 by way of Code of Criminal Procedure (Amendment Act) of 1923. By way of introduction of Section 561-A in Cr.P.C., 1898, the legislature recognized the existence of inherent powers in a High Court and provided that nothing in the Code can be deemed to limit inherent powers of a High Court to make such order(s) as would be necessary to give effect to any order under the Code or to prevent abuse of process of any Court or to otherwise secure the ends of justice. The Hon'ble Supreme Court in the judgment of Mohammad Naim (supra) has held that this Section gives no new powers to a High Court; it only provides that powers which the High Court already inherently possesses, shall be preserved and a provision has been inserted into statute book lest it be misconstrued that only those powers are possessed by the High Court which are expressly conferred by the Code of Criminal Procedure & that all such inherent powers stand extinguished after the Code come into force. In essence, this provision refers to residuary plenary powers of High Court to do justice. It is notable that such inherent powers, which received statutory recognition at the end of legislature, empowers a High Court to exercise such inherent jurisdiction not only in respect of proceedings before it but also in respect of proceedings in the Subordinate Courts. The legislature, acknowledging the significance and importance of such inherent powers, chose to keep alive the provision of Section 561-A of Cr.P.C., 1898 in the Cr.P.C. currently in vogue i.e. Cr.P.C. of 1973 albeit only by renumbering the provision as Section 482.*

9.2. *The important aspect that immediately next craves attention is as to what are the "inherent powers of a High Court" recognized under Section 482 of Cr.P.C., 1973. At the outset, it deserves to be noticed that these inherent powers are not defined in the statute. Inherent powers are essentially those powers which ipso facto exist in the Court by virtue of its existence. The phraseology of inherent powers as defined in the dictionaries is as under:-*

(a) *Black's Law Dictionary defines 'inherent powers' as "Existing in something as permanent, essential, or characteristic attribute."*

(b) *Webster's New World Law Dictionary defines it as "A power that must be deemed to exist in order for a particular responsibility to be carried out."*

(c) Oxford (Advanced Learner's Dictionary) defines "inherent" as "existing as a natural or permanent feature".

The Hon'ble Supreme Court in case of "Devendrappa" (supra) has relied upon the maxim of "**quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae, esse non potest**" (when the law gives a person anything it gives him that without which it cannot exist) to hold that the inherent powers of a High Court are all such powers which are necessary to do the right and to undo a wrong in course of administration of justice. The Hon'ble Supreme Court, in this judgment, has further referred to the maxim "**ex debito justitiae**" to say that such powers are ones given to do real and substantial justice for which purpose alone High Court exists. The Hon'ble Supreme Court in the judgment of Parbatbhai (supra) has held that the powers under Section 482 of Cr.P.C. of 1973 are aimed at preserving the inherent powers of the High Court to prevent an abuse of the process of any Court or to secure the ends of justice.

9.3 A cumulative reading of the above said would show that the inherent powers of a High Court are powers which are incidental replete powers, which if did not exist so, the Court would be obliged to sit still and helplessly see process of law and Courts being abused for the purpose of injustice. These powers of a High Court hence deserve to be construed with the widest possible amplitude. It is trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case which in fact arises. A High Court which exists for the furtherance of justice in an indefatigable manner should, therefore, have unfettered power to deal with situations which, though not expressly provided for by the law, need to be dealt with to prevent injustice or an abuse of the process of law and Courts.

9.4. Accordingly, it is unequivocal that the inherent powers of a High Court; recognized by way of Section 482 of Cr.P.C. of 1973; are powers which are unbridled, unfettered and plenary in nature. These powers are to be exercised keeping in view the following salutary purposes viz; (a) to give effect to any order passed under the code (b) to prevent abuse of process of any Court (c) to otherwise secure the ends of justice. It is neither conceivable nor desirable to lay down any exhaustive set of guideline(s) to govern the exercise of this plenary inherent jurisdiction, however alluring this aspect may be. Such exercise of power would definitely be dependent upon the factual matrix of the case which the court is seisin of."

(iv) In a case titled as “**Varun Sharma vs. State of Punjab and another, Neutral Citation No.2024:PHHC:019691**”, decided on 12.02.2024, this Court has held as follows:-

“10. Section 498-A of IPC was brought, by way of an Act of 1983, into the IPC with a salutary principle for curbing the evil of dowry which has been unfortunately prevailing in our Society since long. A bare perusal of the statement of Objects and Reasons for enactment of 1983 Act endorses this aspect of the matter.

10.1 More recently, the Hon’ble Supreme Court in the celebrated judgment of Arnesh Kumar’s case (supra) has extensively dealt with the issue of deliberate and rampant misuse of provisions of Section 498-A of IPC as a tool of harassment by a disgruntled wife. The Courts are flooded with cases where it is found that the complainant-wife has misused the provision of Section 498-A of IPC to settle score(s) with her husband and his family members, but at the same time it cannot be ignored that in very many cases such allegations of dowry harassment made by the wife turn out to be true. This Court cannot also lose sight of growing lack of a family level/Social Forum for redressal of grievance(s) of a wife arising out of matrimonial acrimony and therefore criminal proceedings under Section 498-A of IPC are launched at the instance of such wife on her being left with no other alternative redressal forum. Therefore, in many cases, the wife tends to initiate criminal proceedings under Section 498-A of IPC against her husband as also his relatives as a means of a solution seeking redressal mechanism. In other words, in large number of cases, the criminal prosecution under Section 498-A of IPC at the instance of a disgruntled wife are launched for settlement of the matrimonial discord in one way or the other.”

Analysis (re law)

8. Though Section 498-A was brought into the IPC, by way of an amending act of 1983, with the salutary objective of curbing the evil of dowry, but judicial experience evinces that this provision along with Section 406 of IPC is being heavily misapplied by the complainant-wife to settle score(s) with her husband and his family members. This Court in the case of **Varun Sharma** (supra) has held that, it has been noticeable in several cases, that the wife tends to initiate criminal proceedings under Section 498-A of IPC against her husband as

also his relatives, as a means of a '*solution seeking redressal mechanism*' rather than actually seeking to criminally prosecute them. On numerous occasions an individual wail does not ensue due to a vengeful proclivity or anger, but owing to distressing disappointment endured by a discontented spouse (wife, in the present case), in securing a copacetic solution of the matrimonial discord. The predicament of such a discontented partner (wife) is exacerbated when she is mentally/emotionally enervated due to, *inter alia*, an acceptable solution not seemingly forthcoming, as a result resorting to actuating a torsion of criminal prosecution. Yet, the abovesaid cannot be stated to be true in all the cases. Nevertheless, the fact remains, that the above-said situation is true for a large volume of cases being preferred in the Court(s). *Ergo*, the Courts ought to be prudent and cautious in dealing with such cases and must take into consideration all the pragmatic realities while evaluating the matrimonial discord related criminal cases. The Courts cannot be oblivious to countenancing the pragmatic and realistic necessities of time. The High Court, while exercising inherent and intrinsic powers under Section 482 of Cr.P.C. of 1973; ought to countenance the tangible and concrete realities and cannot engirth itself in an ivory tower.

8.1 It has been observed, inveterately, that a wife after having entered into a willful and valid compromise/settlement with the accused-husband and/or his family members, tends to reap all the benefits thereof and, thereafter, does not step forward for undertaking the necessary steps towards having the FIR in question quashed. The Hon'ble Supreme Court in cases of ***Ruchi Agarwal*** (*supra*) and ***Mohd. Shamim*** (*supra*) have extensively dealt with such like situation(s) & has enunciated that once the wife has reaped the benefit, she sought without contest on the basis of terms of such a compromise, it can be readily and unequivocally deciphered that conduct of such a wife in adopting dilatory tactics is only aimed at causing harassment to the husband/his

family members. It is a settled cannon of our jurisprudence that credibility in the functioning of the justice delivery system and the reasonable perception of the affected parties are, but of-course, relevant considerations to ensure the continuation of public confidence in the credibility as also majesty of our jurisprudential set-up. Needless to say that faith of people in the efficacy of law is; saviour and succour for the sustenance of the rule of law.

8.2 The essential question that next arises is as to whether the High Court, by way of exercising of powers under Section 482 of Cr.P.C., can quash such an FIR (as also proceedings arising therefrom) in such a situation as was before Hon'ble Supreme Court in cases of ***Ruchi Agarwal*** (*supra*) and ***Mohd. Shamim*** (*supra*). The nature, scope and ambit of powers of the High Court under Section 482 of Cr.P.C., 1973 have been copiously delineated in the case of ***Talima*** (*supra*). The essential postulate that emerges is that the High Court; in its inherent jurisdiction under Section 482 of Cr.P.C.; has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self restraint. Further, the nature, mode and extent of exercise of such intrinsic powers by the High Court depend upon the judicial discretion required to be wielded by a High Court in the facts and circumstance of a given case.

8.3 The Hon'ble Supreme Court in the case of ***Mahmood Ali*** case (*supra*) has held that in case of vexatious or malicious proceedings, the High Court is saddled with a bounden duty to look into the attending circumstances as also can even go on to read between the lines, while considering a plea for quashing of an FIR (as also all proceedings arising therefrom). It is hence ineluctable that ends of justice are higher than ends of mere law though justice ought to be administered according to laws made

powers under Section 482 of Cr.P.C. of 1973; can even well “*read between the lines*” as also examine the “*attending circumstances*” in a case if its facts/circumstances so warrant.

9. As a sequel to above discussion, the following principles emerge:

I.(i) In an FIR, arising from matrimonial related dispute, where the complainant/wife has reaped the benefits of a compromise/settlement & nothing more is required to be done by the accused-side/husband then such FIR (as also proceedings emanating therefrom) deserves to be quashed.

(ii) In a case of above kind; the complainant/wife may, but of-course, raise plea(s) that such compromise/settlement was a result of fraud/coercion/duress etc. However, such plea(s) ought to be substantiated by tangible material and merely bald assertion in that regard would not suffice. Furthermore, before allowing the wife to raise such a plea(s), the Court may also consider directing the complainant/wife to return the financial benefit(s) received in pursuance of such compromise/settlement.

II. In a case where the accused side/husband has undertaken some steps, in terms of as also in furtherance, of the compromise/settlement & such accused are willing to undertake all further/remaining act(s), as required in terms of such compromise/settlement; the High Court will be well within its jurisdiction, under Section 482 of Cr.P.C. of 1973, to favorably consider such quashing petition upon the further/remaining act(s) being so undertaken by the accused side/husband.

III. No comprehensive/exhaustive guidelines can possibly be laid-down in this regard as every case has its own unique factual conceptus.

Needless to state that the High Court may exercise its intrinsic powers under

Section 482 of Cr.P.C. of 1973 as called for in the facts/circumstance of a particular case.

Analysis (re facts)

10. Now this Court reverts to the facts of the case in hand to ratiocinate thereupon.

10.1 As per the case pleaded by the petitioner-husband; a compromise deed/agreement dated 03.08.2022 was entered into between the petitioner-husband and respondent No.2-wife. Acting upon the said settlement/compromise, the petitioner-husband has already paid a sum of Rs.22.00 lacs to the wife towards maintenance/permanent alimony for respondent No.2-wife as also the minor daughter born out of the wedlock; a mutual consent divorce decree has been passed by the concerned Family Court on 03.08.2022; the petitioner-husband has withdrawn on 03.08.2022 a petition filed by him under Section 11 of Hindu Marriage Act, 1955 & respondent No.2-wife has also withdrawn on 03.08.2022 a petition filed by her under Section 125 of Cr.P.C., 1973 for grant of maintenance to herself and the minor daughter. It, accordingly, is indubitable that respondent No.2-wife has reaped all benefits from the compromise/settlement deed in question and has also withdrawn a maintenance petition filed by her & nothing further remains to be done on part of the petitioner-husband. So much so; the respondent No.2-wife, through her counsel, had admitted the factum of compromise/settlement deed which stands recorded in orders dated 05.09.2022 as also 20.03.2024 passed by this Court.

10.2 The report dated 18.04.2024 sent by the concerned Judicial Magistrate indicates that the petitioner-husband had turned up for having his statement recorded in terms of the order dated 20.03.2024 earlier passed by

the said Magistrate to submit that petitioner-husband was neither involved in any other case nor was declared a proclaimed offender by any Court of law. The said report also indicates that the respondent No.2/complainant/wife did not turn up to have her statement recorded. The reason thereof is not difficult to fathom, in the factual backdrop of the *lis*.

10.3 The above said factual matrix clearly reflects that the continuation of proceedings in the impugned FIR is nothing but sheer abuse of process of law and Courts. Nothing except harassment would be caused to the petitioner-husband in case the proceedings in pursuance of the impugned FIR are permitted to continue. This Court, especially while exercising its inherent powers under Section 482 of Cr.P.C. of 1973, cannot be expected to turn *Nelson's eye* to the vexatious and virulent attempt(s) by unscrupulous elements in misusing the process of law in Courts. Hence, it would be expedient in the interest of justice that the impugned FIR (as also the proceedings emanating therefrom) are quashed.

10.4 Before parting with this judgment, it is pertinent to note that the conduct of respondent No.2-wife is inexplicable in terms of *bona fide*. Any attempt to misuse the process of law/Courts ought to be detested. The feeling of rancor or bitterness cannot be permitted to be genesis for procrastinating the culmination of legal proceedings especially when settlement/compromise has been arrived at between the rival parties. Abhorrence of such attempt(s) is pertinent. *Ergo*, the respondent No.2-wife deserves to be saddled with costs, which essentially ought to be in the nature of veritable real time costs.

Decision

11. In view of the above, it is directed as follows:

- (i) The impugned FIR No.584 dated 23.06.2018 registered for the offences punishable under Sections 498-A, 323 and 406 of IPC at Police

Station City Sirsa, District Sirsa as also all proceedings emanating therefrom are quashed.

(ii) The respondent No.2-wife is saddled with costs of Rs.50,000/- which shall be deposited by her with Chief Judicial Magistrate (CJM), Sirsa within four weeks from today. In case such costs are deposited; CJM, Sirsa shall have the same remitted to Haryana State Legal Services Committee, Panchkula. In case, the said costs are not deposited by respondent No.2-wife as directed for; the CJM, Sirsa is directed to intimate the Deputy Commissioner, Sirsa who shall have such costs recovered from respondent No.2-wife as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Sirsa shall have the same submitted to CJM, Sirsa, for further remittance thereof to Haryana State Legal Services Committee, Panchkula. A compliance report be sent by CJM, Sirsa as also Deputy Commissioner, Sirsa to this Court accordingly.

(iii) Registry is directed to transmit a copy of this judgment to respondent No.2-wife; CJM, Sirsa as also Deputy Commissioner, Sirsa for requisite compliance.

(SUMEET GOEL)
JUDGE

April 29, 2024
Ajay

Whether speaking/reasoned:	Yes
Whether reportable:	Yes