

Sr. No.313

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

CRM-M-46530-2023
Date of decision: 23rd January, 2024

NAVEEN BHARGAVA**Petitioner**

versus

STATE OF HARYANA AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rajpal Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. G.S. Verma, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.663 dated 27.11.2018, under Sections 3 and 4 of Dowry Prohibition Act, 1961 and Sections 120-B, 323, 34, 377, 406, 498-A, 506 IPC, registered at Police Station Sector 31, Faridabad, District Faridbad (Annexure P-1), subsequently charges framed under Sections 498-A, 406, 323, 506, 377 IPC vide order dated 28.11.2019, passed by learned Judicial Magistrate First Class, Faridabad (Annexure P-2), on the basis of compromise dated 01.09.2023 (Annexure P-3) between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-wife on account of matrimonial discord between the parties. The matter has been settled between the parties and the parties have decided to part ways and the joint petition for divorce filed by the parties under

Section 13-B of the Hindu Marriage Act, 1955, has been allowed by the learned

Judge, Family Court-2, Kota Rajasthan vide order dated 28.08.2023 (Annexure P-4). As per the compromise dated 01.09.2023 (Annexure P-3) as well as the order dated 28.08.2023, passed by the Family Court, Kota Rajasthan (Annexure P-4), the petitioner has paid an amount of Rs.14,00,000/- as life time allowance to respondent No.2-wife on account of past, present and future maintenance. Learned counsel for the petitioner further contends that respondent No.2-wife does not want to pursue the present FIR and she has no objection if the FIR is quashed.

[3] Learned counsel appearing on behalf of respondent No.2-wife has confirmed the factum of compromise between the parties.

[4] On 15.09.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 25.10.2023 of the Judicial Magistrate, First Class, Faridabad, through the District & Sessions Judge, Faridabad, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“2. Upon preliminary inquiry, the parties stated that the matter had been amicably settled between them voluntarily and without any coercion or undue influence of any kind. Thereupon, their statements qua the compromise were recorded separately. The same are being attached herewith.

3. It is further submitted that I am satisfied that complainant Poonam Bhargava and accused Naveen Bhargava have entered into a compromise, which appears to be valid, voluntary and genuine, without any coercion or undue influence.

4. The complainant Poonam Bhargava D/o Sh. P.D. Bhargava had made a written complaint to the police on 27.11.2018 against a total of five persons, namely, Naveen Bhargava, Kamlesh Bhargava, Sapna Bhargava, Preeti Bajpai and Rajender Bhargava. Thereupon, FIR No. 663 dated 27.11.2018 was registered against them. However, the police presented

challan only against the accused Naveen Bhargava. Further, there is no other injured/aggrieved person in this case besides the complainant.

5. *Statement of Investigating Officer was recorded on 06.10.2023 to the effect that FIR was registered against five persons, but challan was presented only against one accused namely Naveen Bhargava; accused Naveen Bhargava had never been declared as Proclaimed Person/Offender in this case or any other case and he was not involved in any case other than the instant FIR; further, there was no other injured/aggrieved person in this case, besides the complainant.*

6. *From the statements of parties recorded on 26.09.2023, statement of Investigating Officer recorded on 06.10.2023 and careful perusal of the file, I am satisfied that accused Naveen Bhargava has never been declared as Proclaimed Person/Offender and no other criminal case is pending against him besides the instant FIR. Further, there is no other injured/aggrieved person besides the complainant Poonam Bhargava.”*

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[7] Hon'ble the Full Bench of this Court in **“Kulwinder Singh and others vs. State of Punjab and others” 2007 (3) RCR (Criminal) 1052**, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] The matter has been settled between the parties; the joint petition for divorce filed by the parties under Section 13-B of the Hindu Marriage Act, 1955, has been allowed by the learned Judge, Family Court-2, Kota Rajasthan vide order dated 28.08.2023 (Annexure P-4) and as per the compromise dated 01.09.2023 (Annexure P-3) as well as the order dated 28.08.2023, passed by the Family Court,

Kota Rajasthan (Annexure P-4), the petitioner has paid an amount of

Rs.14,00,000/- as life time allowance to respondent No.2-wife on account of past, present and future maintenance, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.663 dated 27.11.2018, under Sections 3 and 4 of Dowry Prohibition Act, 1961 and Sections 120-B, 323, 34, 377, 406, 498-A, 506 IPC, registered at Police Station Sector 31, Faridabad, District Faridbad (Annexure P-1), subsequently charges framed under Sections 498-A, 406, 323, 506, 377 IPC vide order dated 28.11.2019, passed by learned Judicial Magistrate First Class, Faridabad (Annexure P-2) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-wife and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 01.09.2023 (Annexure P-3) are violated.

[11] Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd January, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No