

CRM-M-65384-2023 (O&M) - 1 -

2024 : PHHC : 041668

290

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65384-2023 (O&M)

Date of Decision: 21.03.2024

PRAVEEN KUMAR MOR

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashwani Talwar, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Gandharv Malhotra, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 207 dated 19.11.2021, registered at Police Station Loharu, District Bhiwani, under Sections 313, 323, 498-A, 406 and 506 of the IPC, (180 of the IPC added later on) on the basis of settlement dated 02.12.2023 (Annexure P-3) between the parties.

[2] Learned counsel for the petitioner contends that the FIR was registered due to a matrimonial dispute and now the parties have settled their dispute. A compromise dated 02.12.2023 (Annexure P-3) has been executed by the parties and a petition under Section 13-B of the Hindu Marriage Act has also been filed, in which statements of first motion have also been recorded.

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

[4] On 19.01.2024, the parties were directed to appear before the

trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 03.02.2024, received from the learned Addl. District & Sessions Judge, Bhiwani, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioner has not been declared as "Proclaimed Offender".

[6] Status report has been filed and learned State counsel contends that during the investigation, the allegations against the co-accused of the petitioner namely Bimla Devi and Phool Kumar were found incorrect and there was no evidence found against them. As such, their names were kept in column No. 12 of the final report/challan presented in the Court under Section 173 Cr.P.C. It is further alleged in the status report that during the investigation, opinion of the Doctor was sought.

[7] No doubt there are allegations against the petitioner-husband that during May, 2021 the complainant-respondent No.2 got pregnant and on 05.05.2021, accused-petitioner No.1 took the complainant to her in-laws house and all the accused conspired with each other and told the complainant that they do not want to have a child and she should abort the child which was resisted by the complainant. It is further in allegation that accused-petitioner No.1 met the Doctor and consumed some medicine due to which the child died.

[8] As per the status-report, the opinion of the Doctor was sought regarding the said facts and as per the opinion on OPD No. 15230/OPDHO Dt. 14.05.2021 From Aadhar Hospital Hissar, the Doctor made the endorsement that the patient (complainant) came to him on 18.05.2021 for taking medicine for dropping her child. However, he was not aware if she

was under pressure. Even from the said report, the allegations of the complainant are not supported.

[8] Now the parties have mutually resolved their matrimonial dispute. They have filed a joint petition under Section 13-B of Hindu Marriage Act and as per the settlement dated 02.12.2023, Annexure P-3, petitioner No.1 shall pay a total sum of Rs. 15,50,000/- to respondent No.2 on account of permanent alimony. Learned counsel for respondent No.2 has confirmed that out of the total amount, a sum of Rs. 8 Lakhs has been received by respondent No.2 on the first motion before the Family Court in the petition under Section 13-B of the Hindu Marriage Act. The parties have given quietus to their matrimonial litigation. As such, further prosecuting the petitioner on the basis of the present FIR is not in the interest of justice.

[9] Keeping in view the facts and circumstances of the case, the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052,** the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[10] Consequently, this petition is allowed and FIR No. 207 dated 19.11.2021, registered at Police Station Loharu, District Bhiwani, under Sections 313, 323, 498-A, 406 and 506, 180 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[11] However, respondent No.2-Rinku Kumari and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 02.12.2023 are violated.

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

21.03.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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