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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18725-2016 (O&M)

Date of Decision:- 01.04.2025

Mandeep Bhalla

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. M.S. Kathuria, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Akashdeep Batra, Advocate
for respondent No. 2 (through Video Conferencing).

AMARJOT BHATTI, J. (Oral)

1. Petitioner Mandeep Bhalla has filed petition under Section 482 Cr.P.C. for quashing of impugned FIR No. 9 dated 14.10.2015 registered under Section 498-A, 406, 323, 120-B of IPC at Police Station Women Police Station, District Panchkula (Annexure P-9) and all subsequent proceedings arising therefrom.

2. As per the facts of case, complainant Neha Bhalla filed complaint bearing serial No. 247-CP/AMB dated 04.08.2015 alleging that she got married with Mandeep Bhalla on 13.10.2013 according to Hindu rites and ceremonies. Her parents had spent more than Rs. 20 lacs on marriage. After few days of marriage, she was scolded by her father-in-law.



On the arrival of her husband, she disclosed this fact to him and when her husband inquired from his father a quarrel took place. Her father-in-law stopped talking to her and her husband. During her stay in matrimonial home, she was taunted time and again. She has narrated various incidents which took place during her stay in matrimonial home. Thereafter, her husband also started abusing her. His behaviour also changed towards her. Thereafter, there were frequent quarrels. Her father tried to make them understand but they did not listen. All her gold ornaments were retained by her in-laws. On first of April, she came to her parental house and condition was put on her that she will not call her in-laws family for six months. She was again left in matrimonial home in April. Behaviour of her husband was rude towards her. Even intention of her father-in-law was not good. Due to health issue, she was taken to a doctor and ultrasound was done. There was report that she was suffering from Tuberculosis in uterus. Again she went for another test which came out to be normal. She was kept confined in a room. Her father-in-law tried to use force on her and she avoided him. She was constantly threatened by her husband and members of in-laws family. Ultimately, she shifted to her parental house in Pinjore and is residing there since 15.10.2014. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that all allegations levelled against petitioner are false and baseless. Prior to registration of FIR, she had filed complaint before DCP, Panchkula on 20.10.2014 (Annexure P-1). Petitioner and his family members were called by Women Cell, Panchkula and with intervention of both parties, matter was compromised on 10.12.2014 (Annexure P-2). Both parties decided to



dissolve marriage with mutual consent by filing petition under Section 13-B of Hindu Marriage Act. Matter was settled for a sum of Rs. 5.50 lacs towards permanent alimony. On the filing of petition under Section 13-B of Hindu Marriage Act, sum of Rs. 2.5 lacs were paid vide Demand Draft No. 846175958 dated 15.12.2014 and balance amount of Rs. 3 lacs were to be paid at the time of recording of statement on second motion. Copy of compromise dated 16.12.2014 is Annexure P-3 and copy of demand draft in the name of respondent No. 2-Neha Bhalla is Annexure P-4. Statement of parties recorded on first motion dated 16.12.2014 is Annexure P-5 and next date fixed in that case was 07.07.2015. On the next date, Neha Bhalla did not appear and case was adjourned for 16.07.2015. Copy of order dated 07.07.2015 is Annexure P-6. On 16.07.2015, Neha Bhalla did not appear and petition was dismissed vide order dated 16.07.2015 (Annexure P-7). Present petitioner had already prepared demand draft of Rs. 3 lacs in the name of Neha Bhalla (Annexure P-8) but she resiled from said compromise and did not appear. On the basis of false allegations, present FIR No. 9 dated 14.10.2015 (supra) (Annexure P-9) was registered. Thereafter, on 23.10.2015, another compromise was arrived at, which is Annexure P-10. Affidavit of Neha Bhalla dated 23.10.2015 is Annexure P-11. In said compromise, it was further agreed upon that along with present FIR, another FIR No. 311 dated 29.04.2015 under Section 354D, 506 of IPC will be quashed. Another sum of Rs. 50,000/- were given to Neha Bhalla. Respondent No. 2 resiled from said compromise also and thereafter, present petition has been filed for quashing of FIR. It is further pointed out that Neha Bhalla has already expired. Matter was settled long time back



and it was respondent No. 2 who every time resiled from compromise. She had received huge amount in pursuance of said compromise. After the death of respondent No. 2-Neha Bhalla, no purpose would be served with continuation of criminal proceedings in aforesaid FIR. It is submitted that aforesaid FIR No. 9 dated 14.10.2015 registered under Section 498-A, 406, 323, 120-B of IPC at Police Station Women Police Station, District Panchkula (supra) (Annexure P-9) and subsequent proceedings thereon may be quashed.

4. Said petition is opposed by learned counsel representing respondent No. 2 as well as learned State counsel. On the death of Neha Bhalla, her father Vimal Kumar has been arrayed as her legal heir. Status report has been filed confirming the registration of FIR. It is pointed out that petitioner was arrested on 06.01.2016. Dowry articles were recovered and handed over to complainant/respondent No. 2. After completion of investigation, challan was presented on 02.02.2016 under Section 120-B, 323, 406, 498-A of IPC. Chargesheet was also framed on 04.11.2016 and case was pending for prosecution evidence. It is pointed out that compromise between parties could not materialize at any stage. Therefore, petition filed by petitioner for quashing of FIR deserves dismissal.

5. I have considered the arguments advanced before me and have gone through the record carefully. Admittedly, present petitioner Mandeep Bhalla got married with Neha Bhalla on 13.10.2013. Matrimonial dispute started, as a result, Neha Bhalla filed complaint dated 20.10.2014 addressed to DCP, Panchkula (Annexure P-1). Matter was compromised. Copy of mutual compromise dated 10.12.2014 and one agreement/compromise



dated 16.12.2014 are Annexures P-2 and P-3 respectively. It is also matter of record that accordingly both the parties filed joint petition under Section 13-B of Hindu Marriage Act, 1955 and on recording of joint statement on first motion (Annexure P-5), Neha Bhalla received Bank Draft of Rs. 2.50 lacs (Annexure P-4). Thereafter, statements of parties were to be recorded on second motion after lapse of six months and next date fixed in this case was 07.07.2015. On that day, Neha Bhalla did not turn up and case was adjourned to 16.07.2015 and finally petition was dismissed for want of mutual consent of both the parties. Copies of orders are Annexures P-6 and P-7. Petitioner in order to show his bonafide has also placed on record one Demand Draft dated 04.07.2015 for a sum of Rs. 3 lacs (Annexure P-8). On the contrary, on the complaint of Neha Bhalla, FIR No. 9 dated 14.10.2015 (supra) (Annexure P-9) was registered. There is second round of compromise. Copy of compromise dated 23.10.2015 is Annexure P-10 and alleged affidavit of Neha Bhalla dated 23.10.2015 is Annexure P-11. Even this compromise did not reach at its logical conclusion. Present petition was filed for quashing of FIR. During the pendency of this case, Neha Bhalla expired on 26.10.2017. In the light of aforesaid factual position, petitioner is seeking quashing of FIR on merits.

6. I have considered aforesaid factual position. On two occasions, there was effort to effect compromise between the parties, but it never materialized. In the meantime, Neha Bhalla expired and on her place, her father Vimal Kumar has been impleaded as her legal heir vide order dated 22.11.2018. As per status report, petitioner was arrested on 06.01.2016. He joined investigation and on completion of investigation, challan was



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prepared on 02.02.2016. Even chargesheet was framed on 04.11.2016. Case was fixed for prosecution evidence when present petition has been filed. Aforesaid compromises do not depict that no such occurrence took place as detailed in FIR. Rather parties tried to effect compromise, but it could not materialize. In the light of aforesaid factual position, it will not be appropriate to quash FIR on merits. Chargesheet is already framed. Therefore, case be decided on merits on the basis of evidence led before the trial Court. Therefore, finding no merits in present petition, same is accordingly, dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

01.04.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No