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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 07.01.2025

Hitesh Verma

..... Petitioner

V/S

State of Punjab and Another.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Raghav Bali, Advocate for
Mr. Pankaj Bali, Advocate for petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Ankit Aggarwal, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. The petitioner- Hitesh Verma has filed the instant petition under Section 482 of Cr.P.C. for quashing of order dated 20.03.2018 (Annexure P-5) passed by learned Judicial Magistrate Ist Class, Jalandhar in FIR No.46 dated 06.09.2017, under Sections 406, 498-A of IPC, registered at Police Station Women, Jalandhar, whereby petitioner has been declared proclaimed person.

2. As per the facts of the case, the complainant-Anjali filed written complaint against Hitesh Verma and others alleging that she got married with Hitesh Verma on 16.11.2016. Families of both sides came in contact through an advertisement in newspaper 'The Tribune'. Hitesh Verma came to India from New Zealand in last week of October, 2016 and both the parties met each other and ultimately their marriage was fixed. At the time of marriage, parents of the complainant had spent huge amount by giving gold ornaments, cash amount in *shagun* as detailed in the FIR. She came to the matrimonial home. However, her in-



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laws family was unhappy with the marriage as they were not given luxury car and other articles including cash of Rs.10 lacs. During her stay in the matrimonial home, she was illtreated and was compelled to fulfill their demand. Their marriage was registered on 08.12.2016. On 07.01.2017, some un-known persons came to their house and then she came to know that Hitesh Verma was already married and having a child while living in New Zealand. Hitesh Verma disclosed that he had given divorce to his first wife and the child was residing with his ex-wife. The complainant did not know about this fact as Hitesh Verma had shown himself as unmarried in the marriage certificate. On objection raised by her, she was illtreated and some liquid lying in the bedroom was administered to her forcibly. She was told to give assurance that she will not lodge any complaint then only she will be taken to the hospital for treatment. The complainant remained silent. They appeared in the office of Embassy of New Zealand to submit their file where again her husband was shown as divorcee. In order to handle the situation, behaviour of her husband and in-laws family remained calm. Thereafter, she was taken to her parental house on 04.02.2017 by saying that she will be taken back on 12.02.2017. On 13.02.2017 when she came to her in-laws house she was told to satisfy their demands otherwise she will not be permitted to live in the matrimonial home. The complainant stated that it was dangerous for her to live with accused Hitesh Verma. During this period Hitesh Verma came to know that she was pregnant. She was forced to consume some tablet to terminate her pregnancy by saying that it will create trouble for getting Visa to New Zealand. With these allegations, present FIR has been registered.

3. Petitioner Hitesh Verma was declared proclaimed offender vide order dated 20.03.2018 (Annexure P-4). The said order was set aside by Co-ordinate



Bench vide order dated 09.07.2024 with the direction to petitioner to surrender before the learned trial Court concerned on or before 30.09.2024 and to be released on regular bail. The case was adjourned to 15.10.2024 for awaiting compliance report.

4. On 15.10.2024 an order was passed by Co-ordinate Bench, relevant part of which runs as under:-

“In compliance of last order dated 09.07.2024, learned counsel for the petitioner submits that the petitioner has appeared before the learned Judicial Magistrate 1st Class, Jalandhar on 27.09.2024 and has also deposited costs of Rs.10,000/-. A report dated 05.10.2024 has been received from the learned Judicial Magistrate 1st Class, Jalandhar affirming the above said facts. It is accordingly prayed that the parties be now permitted to record their statements for quashing of the FIR No.46 dated 06.09.2017 registered under Sections 406 and 498-A IPC at Women Police Station Jalandhar in view of Compromise dated 20.09.2022 (Annexure P-3).

*In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements as per Compromise dated 20.09.2022 (Annexure P-3) on **25.10.2024** or any other date convenient to the learned trial Court/Illaq Magistrate or by moving an appropriate application or by presenting this order.*

*The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. **07.01.2025** containing the following information:-*

- 1. Number of persons arrayed as accused in the FIR;*
 - 2. Whether any accused is a proclaimed offender;*
 - 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
 - 4. Whether the accused persons are involved in any other FIR or not;*
- and*



5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

A copy of the report be sent through FAX, to the Registrar(Judicial) of this Court.”

5. It is relevant to point out that present FIR qua accused Mohinder Pal and Hem Bala has already been quashed by Co-ordinate Bench vide order dated 06.05.2024 passed in CRM-M-53934-2022.

6. Detailed report regarding compromise has been received from the court of Judicial Magistrate 1st Class, Jalandhar dated 25.10.2024. The statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected without any pressure, coercion from any side and she has no objection regarding quashing of FIR.

7. The petitioner- Hitesh Verma also confirmed the aforesaid fact in his separate statement. Statement of ASI Rajesh Verma is also recorded who further confirmed that accused is not involved in any other criminal case in Jalandhar. He was declared P.O. In this case vide order dated 20.03.2018 but later on the said order was set aside vide order dated 09.07.2024 passed by Hon’ble High Court.

8. Therefore, from the report of Judicial Magistrate 1st Class, Jalandhar it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled all their claims arisen from matrimonial dispute. They will be able to live independently in peace and harmony. It will end the litigation started between them.



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9. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'

10. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering these facts, the petition filed by the petitioner is accepted and FIR No.46 dated 06.09.2017, under Sections 406, 498-A of IPC, registered at Police Station Women, Jalandhar and consequential proceedings arising therefrom are quashed qua petitioner-Hitesh Verma.

11. The present petition accordingly stands accepted.

(AMARJOT BHATTI)
JUDGE

07.01.2025.

Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No