
(2010) 12 P&H CK 0178

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-35042 of 2010

Iqbal Singh and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 120

Citation : (2010) 12 P&H CK 0178

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.S. Saron, J.—The Vakalatnama of Ravi Nehra (Petitioner No. 3) notarized by Barrister, Solicitor and Notary Public, 13-6980 Maritz

Drive, Mississauga Ontario and endorsed by the Chandigarh Administration filed in Court today is taken on record.

2. The present petition has been filed u/s 482 of the Code of Criminal Procedure ("CrPC" - for short) seeking quashing of FIR No. 6 dated

3.1.2009 (Annexure P1) registered at Police Station Urban Estate, Rohtak for the offences under Sections 354, 498A, 406, 506, 120B and 420

Indian Penal Code ("IPC" - for short).

3. The FIR (Annexure P1) has been registered on the complaint of Seema (Respondent No. 2) against the Petitioners. According to the

complainant Seema (Respondent No. 2), her marriage was solemnized with Ravi Nehra (Petitioner No. 3) on 7.3.2008 at Rohtak according to

Hindu rites and customs. On account of the matrimonial dispute between Seema (Respondent No. 2) and Ravi Nehra (Petitioner No. 3), the FIR

(Annexure P1) was got recorded. Now, with the intervention of the relatives and friends, all disputes between the parties have been settled and a

compromise deed (Annexure P2) has been recorded between the parties. In terms of the compromise (Annexure P2), the Petitioners agreed to

pay a sum of Rs. 12,00,000/-by way of demand draft to Seema (Respondent No. 2) in lieu of her dowry articles, Streedhana and maintenance.

Seema (Respondent No. 2), it was agreed, would not claim any thing from the property of the Petitioners and all cases pending between the

parties, it was agreed, shall be withdrawn /got quashed. Besides, Ravi Nehra (Petitioner No. 3) and Seema (Respondent No. 2) were to obtain a

divorce from a Court of competent jurisdiction.

4. On the last date of hearing (i.e. 3.12.2010), an amount of Rs. 12,00,000/-by way of six drafts in favour of Seema (Respondent No. 2) was

handed over to her in Court and the same were accepted by her. It was submitted by her that she has no objection to the quashing of FIR. Seema

(Respondent No. 2) has also deposed an affidavit dated 3.12.2010 stating that after receipt of the payment of Rs. 12,00,000/-, she would have no

objection to the quashing of FIR. Besides, the compromise had been entered into between the parties without any force, fraud or coercion.

5. In the facts and circumstances, the matrimonial dispute between the parties has been amicably settled. Mr. Rajeshwar Singh, Advocate, learned

Counsel appearing for Respondent No. 2 has submitted that Seema (Respondent No. 2) has no objection to the quashing of the FIR.

6. Mr. H.S. Sran, Addl. A.G., Haryana has submitted that in case the matrimonial dispute has been amicably settled between the parties, the State

would have no serious objection to the quashing of the FIR in view of the law laid down by the Supreme Court in the case of B.S. Joshi and

Others Vs. State of Haryana and Another, .

7. In B.S. Joshi and Ors. v. State of Haryana and another, (supra), it has held by the Supreme Court that for the purpose of securing the ends of

justice, if quashing of FIR becomes necessary, Section 320 would not be a bar to the exercise of power of quashing. Besides, the High Court in

exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in the case of a matrimonial dispute and Section 320 Code

of Criminal Procedure does not limit or affect the powers of the High Court u/s

482 CrPC. In respect of matrimonial cases, it was rather held that

it is the duty of the Court to encourage genuine settlements of matrimonial disputes.

8. After giving my thoughtful consideration to the entire matter, it may appropriately be noticed that the matrimonial dispute between Ravi Nehra

(Petitioner No. 3) and Seema (Respondent No. 2) has been amicably settled and the parties have decided to part their ways Respondent No. 2

has received demand drafts for an amount of Rs. 12,00,000/-. She has stated that she would have no objection to the quashing of the FIR. Even in

Court today, her counsel has stated that the parties have amicably resolved their dispute and the complainant has no objection to the quashing of

the FIR and she is also ready to withdraw the case. It is also stated by the learned Counsel appearing for the complainant/Respondent No. 2 that

Ravi Nehra (Petitioner No. 3) has obtained an ex parte decree of divorce from the Court at Canada and Seema (Respondent No. 2) would

accept the ex-parte decree of divorce.

9. It may also be noticed that the challan in the case has not yet been filed. Therefore, in the facts and circumstances it would be just and expedient

to terminate the proceedings by quashing the FIR.

10. In view of the afore-noticed facts and circumstances, the CrI. Misc. petition is allowed and the impugned FIR No. 6 dated 3.1.2009

(Annexure P1) registered at Police Station Urban Estate, Rohtak for the offences under Sections 354, 498A, 406, 506, 120B and 420 IPC and

all subsequent and consequential proceedings arising there from shall stand quashed.