
(1999) 09 P&H CK 0147

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 25947-M of 1999

Sushil Kumar Bhatia

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 17-09-1999

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 406, 498A

Citation : (2000) 1 DMC 735 : (2000) 1 RCR(Criminal) 21

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Suresh Monga, for the Appellant; Suraksha Sharma, for the Respondent

Final Decision : Allowed

Judgement

Bakhshish Kaur, J.—Sushil Kumar was married to Harinder Kaur respondent according to Hindu rites, on February 18, 1996. Due to some misunderstanding between the two, the relations between the parties did not remain cordial, which resulted into the registration of the case under Sections 498-A, 406, 323, read with Section 34, Indian Penal Code, as per F.I.R. No. 760 dated September 13, 1998 against the petitioners. Soon after the registration of the case, better sense prevailed upon them. With the intervention of the respectables and relatives, they settled their disputes and differences, as per Annexure P2. Therefore, the present petition u/s 482 of the Code of Criminal Procedure, for quashing the said FIR and the proceedings consequent thereto has been filed.

2. The aforesaid case was registered against Sushil Kumar, his parents Ramesh Kumar Bhatia and Sarla Bhatia, respondents 2 and 3 and Meenu Bhatia, respondent No. 4.

3. The parties appeared in person. Relying on the compromise Annexure P2, Sushil Kumar petitioner No. 1 and Harinder Kaur-respondent offered to make statements, which have been reduced into writing.

4. Harinder Kaur has testified about the date of her marriage with Sushil Kumar Bhatia and birth of a male child from their wedlock. She has further stated that due to some misunderstanding, certain differences arose between them, but now they have resolved the dispute. They are living together for the last five months. She further stated that she has no more grievance against her husband and that her affidavit dated September 17, 1999 may be read as a part of her statement. As per terms of the compromise deed, Annexure P2, she does not want to take any action against the petitioners in pursuance of the case registered at her instance.

5. It is well settled that powers u/s 482, Cr. P.C. should be exercised sparingly and that too in the rarest of rare cases. I am of the view that the nature of the present case is such that it is rarest of the rare cases, because the matrimonial dispute has been settled and the parties (both husband and wife) have resumed co-habitation. They are living happily for the last five months in a congenial and happy atmosphere.

6. In view of that is stated above, it is clear that the further investigation and the prosecution launched against the petitioners in this case would amount to an abuse of process of the Court. Harinder Kaur, respondent, has given up, the right to pursue the case arising out of the impugned FIR, therefore, the entire proceedings are liable to be quashed by invoking the provision of Section 482 of the Code of Criminal Procedure.

7. Since the main contesting parties that is the husband and wife have resumed co-habitation by keeping aside and forgetting the differences which arose between them and marred their marital relations, therefore, it would be fair and proper if the parties are relieved of this litigation and they live happily. Taking a broad view of the matter Thereby quash the impugned F.I.R. No. 760 dated September 13, 1999 under Sections 498, 406, 323, read with Section 34, Indian Penal Code of P.S. City Sirsa, and all subsequent proceedings on the basis thereof.