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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-22532-2024

Date of decision: 30.07.2024

Jitender alias Kaliya

....Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Anoop Kumar Yadav, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

**HARPREET SINGH BRAR, J. (ORAL)**

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.389 dated 11.12.2023 under Sections 323/498-A/506/509 of IPC registered at Police Station Dadri City, Dadri, District Charkhi Dadri (Annexure P-1) and all consequential proceedings arising therefrom.

2. Briefly, the facts as alleged are that the marriage between petitioner and respondent No.2 was solemnised on 18.04.2018, in accordance with Hindu rites and rituals, and one male child was born out of the wedlock. It is further alleged that due to temperamental differences, they started living separately since 12.10.2022 and since then, no cohabitation took place between them.

3. Learned counsel for the petitioner *inter alia* contends that due to matrimonial discord, respondent No.2 got one FIR registered against the petitioner under Sections 323/354/376(2)(n)/498-A/506/509/34 of IPC and the investigating agency has presented the final report before the concerned



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jurisdictional Court on 09.03.2024. He further submits that during the pendency of the investigation, the matter was compromised between both the parties and the petitioner & respondent No.2 have obtained a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 by way of mutual consent. The same was decreed on 06.03.2024. On the very next date i.e. on 07.03.2024, respondent No.2 filed an application before the Station House Officer, Police Station City Charkhi Dadri by clearly submitting that she does not want to take any action against the petitioner and a compromise has been effected between the parties. It is further contended that no action has been taken by the concerned jurisdictional police officer on the application made by respondent No.2.

4. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the matter had been compromised between the parties and decree of divorce has also been decreed vide order dated 06.03.2024 (Annexure P-2). Further, respondent No.2 has filed an application before the SHO, Police Station, City Charkhi Dadri, regarding no further action should be taken against the petitioner and also both the parties submitted before the learned Court below that they have mutually settled their claims of maintenance/*istridhan* and permanent alimony etc and will not claim anything against each other. As such, respondent No.2 has clearly resiled from the compromise after deriving benefit from it and allowing the same would be detrimental to the cause of justice. Further, despite service, she has not appeared in the present case.

5. A two Judge bench of the Hon'ble Supreme Court in ***Ruchi Agarwal vs. Amit Kumar Agarwal 2004(4) R.C.R(Criminal) 949***, speaking through Justice Umesh C. Banerjee, opined as follows:



*“6. It is based on the said compromise the appellant obtained a divorce as desired by her under Section 13B of the Hindu Marriage Act and in partial compliance of the terms of the compromise she withdrew the criminal case filed under Section 125 of the Criminal Procedure Code but for reasons better known to her she did not withdraw that complaint from which this appeal arises. That apart after the order of the High Court quashing the said complaint on the ground of territorial jurisdiction, she has chosen to file this appeal. It is in this background, we will have to appreciate the merits of this appeal.*

*7. Learned counsel appearing for the appellant, however, contended that though the appellant had signed the compromise deed with the above-mentioned terms in it, the same was obtained by the respondent-husband and his family under threat and coercion and in fact she did not receive lump sum maintenance and her Stridhan properties, we find it extremely difficult to accept this argument in the background of the fact that pursuant to the compromise deed the respondent-husband has given her a consent divorce which she wanted thus had performed his part of the obligation under the compromise deed. Even the appellant partially performed her part of the obligations by withdrawing her criminal complaint filed under Section 125. It is true that she had made a complaint in writing to the Family Court where Section 125 Criminal Procedure Code proceedings were pending that the compromise deed was filed under coercion but she withdrew the same and gave a statement before the said court affirming the terms of the compromise which statement was recorded by the Family Court and the proceedings were dropped and a divorce was obtained. Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.”*

6. Further, a Co-ordinate bench of this Court in **Krishan Singh and Others vs. State of Punjab and Another 2020(4) R.C.R. (Criminal) 327**, speaking through Justice Jaishree Thakur, made the following observations:

*“7. The judgment as rendered in **Ruchi Agarwal (supra)** has subsequently been followed in **Mohd. Shamim vs. Smt. Nahid Begum, 2005 (1) RCR (Criminal) 697** and **Shlok Bhardwaj Vs. Runika Bhardwaj and others, 2015 (2) SCC 721**, wherein it has been held that after the matter has been settled between the parties the wife is estopped from continuing criminal proceedings. The judgment of **Mohd. Shamim vs. Smt. Nahid Begum(supra)** has subsequently been followed by this Court in '**Nirmal Sachdeva vs. State of Haryana and another, 2008 (27) RCR (Criminal)153**', '**Kamal Kishore and others vs. State of Punjab and another, 2006 (2) RCR (Criminal) 342**', and '**Naveen and others***



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*vs. State of Haryana and another 2019 CrI. LJ 1004' in CRM-M-17367-2018 decided on 06.12.2018 and 'Ram Lal and others Vs. State of Haryana and another, 2008(2) RCR (Criminal) 823'.*”(emphasis added)

7. In view of the discussion above, the present petition is allowed and FIR No.389 dated 11.12.2023 under Sectoins 323/498-A/506/509 of IPC registered at Police Station Dadri City, Dadri, District Charkhi Dadri and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**30.07.2024**

Neha

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