



CRM-M-2605-2025

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

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Date of decision : 14.05.2025

Manish Kumar Sharma

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Aniket Singh Chauhan, Advocate for petitioner.

Mr. Sulinder Kumar, DAG, Haryana.

Mr. Puneet Kumar Bansal, Advocate for
Mr. Robin Singh Hooda, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner-Manish Kumar Sharma filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0239 dated 24.06.2023, registered under Section 498-A, 406, 323, 506, 34 of IPC, at Police Station Khedki Duala, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom, qua petitioner, on the basis of MOU dated 28.10.2024 (Annexure P-2).

2. As per facts of the case, complainant Shweta filed written complaint alleging that she was being continuously harassed in the matrimonial home. Her mother-in-law Anita did not allow her husband to stay with her. She was living separately on the Ist floor of the house for the last three months. She is being compelled to bring dowry. Other relatives of her husband also illtreated her and raised hand on her. Her brother was also beaten up. She has narrated various incidents which took place in the matrimonial home regarding maltreatment and



beating given to her as well as to her brother. Her husband did not want to stay with her. Finally, she filed the present complaint.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 18.01.2025, petitioner and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Gurugram dated 11.03.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected voluntarily and without any coercion and undue influence and she has no objection regarding quashing of FIR.

4. Petitioner- Manish Kumar Sharma also confirmed this fact in his separate statement. Statement of L/ASI Seema is also recorded who confirmed that petitioner is not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Gurugram, 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 have decided to part ways by filing joint petition under Section 13-B of Hindu Marriage Act. Matter has been settled in Rs.10,00,000/- out of which Rs.5,00,000/- were already paid by petitioner to complainant at the time of recording of first motion statements and balance amount of Rs.5,00,000/- will be paid at the time of recording of second motion statements. Thereafter, they will be able to live independently in peace



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and harmony. No purpose would be served with the continuation of criminal proceedings.

6. 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.’

7. 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.0239 dated 24.06.2023, registered under Section 498-A, 406, 323, 506, 34 of IPC, at Police Station Khedki Duala, District Gurugram (Annexure P-1) and all the subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

14.05.2025.

Sunil Devi

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