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

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Date of decision : 14.05.2025

Wahid Khan and Ors.

..... Petitioners

V/S

State of U.T., Chandigarh and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Satya Veer Singh, Advocate for petitioners.

Mr. Gaurav Garg, Addl. PP, U.T., Chandigarh.

Mr. Abhyudaya Paliwal, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Wahid Khan, Mohsin Khan and Shabnam have filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.87 dated 03.12.2021, registered under Sections 406, 498-A of IPC, at Women Police Station, Sector 17, U.T., Chandigarh (Annexure P-1) and all subsequent proceedings, on the basis of compromise deed dated 19.11.2024 (Annexure P-2).

2. As per facts of the case, complainant Kahkasha filed written complaint against her husband Mohsin Khan and other members of in-laws family alleging that her marriage/nikah took place as per Muslim Rites with Mohsin Khan on 16.02.2020. Her father had spent approximately Rs.15 Lacs on her marriage. He had given dowry in the shape of jewellery, clothes and a motorcycle for her husband. For about one month behaviour of her in-laws family was normal towards her, thereafter by the end of March 2020, their behaviour changed and they started taunting her for bringing less dowry. She



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was beaten up by her husband on the provocation of her in-laws. She was being blamed for each and everything in the matrimonial home. She was compelled to bring cash of Rs.3 Lacs from her parents or her parents should break up all ties with her. They misbehaved with her father. There was an effort to resolve the matter with the intervention of respectables of the society. Despite compromise, there was no change in their behaviour and they again repeated their demand of Rs.3 Lacs. She is residing in her parental house since 29.09.2020. Nobody from her in-laws family or her husband tried to contact her. Finally, she filed this complaint.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 17.03.2025, petitioners 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, Chandigarh dated 05.05.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioners. 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. Petitioners- Wahid Khan, Mohsin Khan and Shabnam also confirmed this fact in their separate statements. Statement of ASI Rajeshwar Singh is also recorded who confirmed that petitioners are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Chandigarh, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled



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all their claims arisen from matrimonial dispute. They have decided to part ways by filing joint petition under Muslim Marriage Act, 1939. Matter has been settled in Rs.2,50,000/- which were already paid by petitioners to complainant at the time of compromise. Thereafter, they will be able to live independently in peace 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 petitioners is accepted and FIR No.87 dated 03.12.2021, registered under Sections 406, 498-A of IPC, at Women Police Station, Sector 17, U.T., Chandigarh (Annexure P-1) and all subsequent proceedings are quashed qua petitioners.

(AMARJOT BHATTI)
JUDGE

14.05.2025.

Sunil Devi

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