



CRM-M-5893-2025

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

283

CRM-M-5893-2025

Date of decision : 01.04.2025

Rakesh Kumar

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Ms. Sapna Seth, Advocate for petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Mr. Sachin, Advocate for
respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Rakesh Kumar has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.05 dated 16.01.2020, under Sections 498-A & 406 of IPC, 1860 registered at Police Station Women Cell, Police Commissionerate Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 09.01.2025 (Annexure P-2).

2. As per facts of the case, complainant Neetu filed application addressed to Commissioner, Jalandhar alleging that she was residing in City Jalandhar for the last about 10 years and her matrimonial home was situated in Rajput Mohalla, Nakodar. For the last about 18 years, her in-laws family concealed about their financial condition. Her family had given dowry articles at the time of marriage but even then, she was harassed by her in-laws' family. She lived at Kartarpur in a rented house for about 08 years on account of job of her husband. Her husband did not provide expenditure for running household



affairs. She was running the house by working as a teacher in a school and was providing tuition to the children. For the last about 7-8 years, there was constant conflict in the matrimonial home. He developed illicit relations with another woman. When she came to know about his activities, he started giving her threats. She was constantly harassed and illtreated by her husband. She tried to adjust in the matrimonial home but she failed. Ultimately, the complaint was filed.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 03.02.2025, 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, Jalandhar dated 05.03.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected without any threat, inducement or any kind of pressure and she has no objection regarding quashing of FIR.

4. Petitioner- Rakesh Kumar also confirmed this fact in his separate statement. Statement of ASI Rajesh Kumar 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, Jalandhar, 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.12,00,000/- out of which Rs.6,00,000/- were already paid by petitioner to complainant at the time of compromise and balance amount of Rs.6,00,000/- will



be paid at the time of recording of final statements. 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 petitioner is accepted and FIR No.05 dated 16.01.2020, under Sections 498-A & 406 of IPC, 1860 registered at Police Station Women Cell, Police Commissionerate Jalandhar and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

01.04.2025.

Sunil Devi

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