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

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Date of decision : 01.05.2025

Ajay Kapoor

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rajesh Goyal, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Sajan, Advocate for
respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Ajay Kapoor has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.19 dated 08.01.2021, under Sections 323, 406, 498-A & 506 of IPC, 1860 registered at Police Station Model Town, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.01.2025 (Annexure P-2).

2. As per facts of the case, complainant Monika filed written complaint that she got married with Ajay Kapoor on 11.02.2010. She is having a son aged about 05 years. In March 2019, she had gone to her parental house and her husband took all the household articles and went to Delhi. During her stay in the matrimonial home, she was beaten up in order to compel her to bring money from

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her parental house. She was continuously illtreated, abused and threatened in the matrimonial home. The complainant suspected that her husband was having affair with another woman. He did not provide maintenance to her and to her son. She was continuously, physically and mentally tortured. With these allegations present FIR has been registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 17.02.2025, petitioner and respondent No.2 were directed to appear before the trial Court/Illaqa Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Additional Chief Judicial Magistrate, Panipat dated 03.04.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected voluntarily without any coercion or undue influence and she has no objection regarding quashing of FIR.

4. Petitioner- Ajay Kapoor also confirmed this fact in his separate statement. Statement of SI Krishan 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 Additional Chief Judicial Magistrate, Panipat, 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 filed joint petition under Section 13-B of Hindu Marriage Act in which decree of divorce has been granted on 10.10.2024 (Annexure P-4). Now, they will be able to live independently in



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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.19 dated 08.01.2021, under Sections 323, 406, 498-A & 506 of IPC, 1860 registered at Police Station Model Town, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

01.05.2025.

Sunil Devi

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