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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28449-2015 (O&M)

Date of Decision:- 14.07.2025

Shivcharan Sharma and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Hitesh Verma, Advocate and
Mr. Madhur Jangra, Advocate
for the petitioner.

Mr. Sulinder Kumar, DAG, Haryana.

AMARJOT BHATTI, J.(Oral)**CRM-2292-2019**

This is an application filed under Section 482 of Cr.P.C. for placing on record Annexures P-6 and P-7 i.e. Death Certificate of son of petitioners and affidavit of petitioner No. 1 respectively.

For the reasons enumerated in application, same is allowed. Accompanying documents Annexure P-6 and Annexure P-7 are taken on record, subject to all just exceptions.

CRM-2096-2024

This is an application filed under Section 482 of Cr.P.C. for placing on record Annexures P-8 to P-10 i.e. copy of challan, medical record and photographs.

For the reasons enumerated in application, same is allowed. Accompanying documents Annexures P-8 to P-10 are taken on record, subject to all just exceptions.

**Main case**

1. Petitioners Shivcharan Sharma (father-in-law) and Kamlesh Sharma alias Kamla Sharma (mother-in-law) have filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 411 dated 26.05.2015 under Section 498-A/406/506/343/120-B/384 of IPC registered at Police Station Civil Lines, District Gurgaon (Annexure P-1) along with challan (Annexure P-8) dated 03.01.2016 and all consequential proceedings arising therefrom, being abuse of process of law.

2. Facts of the case are, complainant Manisha wife of Naveen Sharma filed written complaint to Police Commissioner, Gurgaon regarding transfer of car by cheating and disappearance of her husband Naveen Sharma. It is alleged that on 10.03.2015, she received a call from Registration Authority, Gurgaon regarding car No. HR-26-AS-0181 in the name of her husband Naveen Sharma son of Shivcharan Sharma resident of House No. 46-B/3, Gopal Nagar, Gurgaon. Ranbir Pehlwan came to the Registration Authority, Gurgaon to take the car, even though it was in her possession. She had filed one application to Registration Authority, Gurgaon on 18.12.2014 that said car may not be transferred in favour of anybody without her consent. Her husband was missing since 04.11.2014 and missing report was lodged on 22.11.2014 at Police Station Civil Lines, Gurgaon. Whereabouts of her husband could not be traced. She suspected that Ranbir Pehlwan, who is anti-social person, having good relations with her father-in-law and also belongs to same community alongwith her father-in-law and mother-in-law were involved in this transaction.



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Complainant alleged that she does not have a house to live in. She alongwith her daughter, age about 2 years was being harassed by her in-laws and said Ranbir Pehlwan. Complainant further alleged that for the purchase of this vehicle, she had brought Rs. 2 lakhs from her parental house in the year 2008. She was receiving threatening calls from the said persons that she will not be permitted to stay in Gurgaon and in this way she apprehended threat to her life as well as of her minor daughter. With these allegations, matter was inquired and present FIR was registered.

3. Learned counsel for petitioners argued that false FIR (Annexure P-1) has been lodged against both petitioners in order to harass them. They are father-in-law and mother-in-law of respondent No. 2/complainant Dr. Manisha Sharma. Marriage of respondent No. 2 was solemnized with their son Dr. Naveen Sharma on 23.11.2005. Initially their relations were cordial and they resided together with petitioners. There was change in the behaviour of respondent No. 2 and quarrels started on one pretext or the other. Finally to save their marriage, house was partitioned and Award dated 09.03.2009 was passed by Permanent and Continuous Lok Adalat at Gurgaon vide which petitioners allotted half portion of their house to Naveen Sharma (husband of respondent No. 2) and other half to their son Bhupinder Sharma. Thereafter, petitioners started residing separately having no concern with their son Dr. Naveen Sharma and respondent No. 2-his wife. Notice was also published in *Dainik Jagran* newspaper on 18.07.2013, disowning their son and respondent No. 2. Dr. Naveen Sharma sold his share in the house and his car bearing Registration No. HR-26-AS-0181 to late Ranbir Singh on 30.10.2014, without



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informing anyone. Respondent No. 2 filed a complaint with Women Cell, Gurgaon and she also filed a civil suit for permanent injunction against the vendee. Matter was compromised on 10.12.2014 vide which respondent No. 2 received Rs. 10 lakhs from petitioners and Rs. 15 lakhs from vendee as her full and final settlement regarding her claim. Copy of compromise dated 10.12.2014 is Annexure P-2 and receipt dated 10.12.2014 is Annexure P-3. Statement of complainant is Annexure P-4 and police report is Annexure P-5. It was clearly mentioned in said compromise that thereafter, she will have no claim against petitioners in future. Despite this compromise, respondent No. 2 lodged present FIR by levelling false and baseless allegations. In-fact, petitioners who are Senior Citizens are facing harassment and humiliation from the hands of respondent No. 2/complainant. Perusal of FIR clearly indicates that respondent No. 2 was aggrieved of the fact that her husband sold the car to Ranbir Singh. Present petitioners had no role to play in the said transaction. No offence is made out qua petitioners. All claims were duly settled in the said Compromise Deed (Annexure P-2). This false FIR has been lodged only to harass the petitioners. Therefore, present petition may kindly be accepted and FIR No. 411 dated 26.05.2015 (Annexure P-1) (supra) and subsequent proceedings thereon be quashed.

4. Status report is filed. Learned counsel representing State confirmed the facts narrated in FIR. It is pointed out that matter was thoroughly investigated and on recommendation of Assistant Commissioner of Police, City, Gurgaon, after conducting inquiry, present FIR was registered against petitioners and one Ranbir Pehlwan. Later on,



husband of respondent No. 2 was also named as accused in this case. It was alleged that challan against petitioners has been prepared which will be filed in the Court shortly. It was further mentioned that other accused Ranbir Pehlwan has died in an encounter. Husband of respondent No.2 Naveen Sharma was found to be residing in Cambodia, for which proceedings will be initiated like look-out circular. It was further clarified that present petitioners are not involved in any other FIR. Petition filed by petitioners seeking quashing of FIR is opposed.

5. Respondent No. 2 initially appeared and contested present petition. For the last two dates, nobody appeared on behalf of respondent No. 2. Respondent No. 2 had filed reply which has been duly considered. It was mentioned that petitioners are involved in non-compounding offences, therefore, petition filed by them cannot be entertained. Settlement dated 10.12.2014 was withdrawn due to subsequent complaints dated 18.12.2014 and 04.03.2015 under the provisions of Protection of Women from Domestic Violence Act, 2005. Respondent No. 2 was pursuing complaints against petitioners. The alleged settlement amount of Rs. 25 lakhs paid by petitioner No. 1 alongwith Ranbir Sharma was regarding sale of 50% share of respondent No. 2 in matrimonial home alongwith clinic. Defence raised by petitioners can be considered during trial. Facts narrated in petition regarding behaviour of respondent No. 2 are false and denied. In-fact, their son was in a habit of gambling and he was alcoholic, having illicit relations with other women. He was under debt. Respondent No. 2 tried to stop him from indulging in these activities and in return she was beaten up. Said partition of house vide Award dated 09.03.2009 was only to deprive



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respondent No. 2 from her lawful rights in immovable properties i.e. matrimonial home. Publication of notice to disown their son shows their connivance with main accused. By taking this stand, petition filed by petitioners was opposed.

6. I have considered the facts and arguments advanced in this case. Stand taken by respondent No. 2 in reply is also duly considered. Contents of FIR indicate that there was matrimonial dispute going on between complainant Manisha with her husband Naveen Sharma. Admittedly, complainant got married on 23.11.2005 and out of this wedlock, she is having a child. Admittedly, due to ongoing dispute, petitioners divided residential house between their two sons vide Award dated 09.03.2009 passed by Permanent and Continuous Lok Adalat at Gurgaon. Complainant gave missing report regarding her husband dated 22.11.2014 at Police Station Civil Lines, Gurgaon that her husband was missing since 04.11.2014. Petitioners have placed on record Panchayati compromise dated 10.12.2014 (Annexure P-2), receipt dated 10.12.2014 (Annexure P-3), statement of Manisha Sharma of same date (Annexure P-4) and complaint was finally consigned to the office as per report of Women Cell, West Gurgaon addressed to Deputy Commissioner of Police, West Gurgaon (Annexure P-5). Aforesaid documents clearly indicate that this dispute started when Dr. Naveen Sharma husband of respondent No. 2 sold his share in house to Ranbir Singh on 30.10.2014. In pursuance of said settlement, Ranbir Singh vendee gave Rs. 15 lakhs to Manisha in cash for vacating the portion of house and Shivcharan Sharma – petitioner No. 1 agreed to give Rs. 10 lakhs to his daughter-in-law Manisha in cash for



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settlement. Regarding this settlement, Manisha – respondent No. 2 gave her receipt regarding receipt of money (Annexure P-3). There is statement of Manisha (Annexure P-4), according to which, she categorically stated that she vacated the house of her husband and handed over the keys to Ranbir Sharma. Photographs annexed with the petition are Annexure P-10. Matter was compromised with in-laws except husband and further stated that she will not pursue any police or legal action against them in this regard. Finally, complaint filed by Manisha – respondent No. 2 was consigned.

Aforesaid factual position clearly indicates that respondent No.2 was residing separate alongwith her husband. When her husband sold the property secretly and got missing, a complaint was filed which was finally compromised with vendee Ranbir and petitioner No. 1 Shivcharan Sharma on the one hand and respondent No. 2 complainant on the other hand. She categorically stated that she will not pursue any action against her in-laws except her husband. No doubt, said compromise was pertaining to the house standing in the name of her husband.

7. Now in present FIR, dispute is regarding sale of car in favour of Ranbir Pehlwan which was standing in the name of her husband. Since car was owned by the husband of respondent No. 2, therefore, present petitioners were not in a position to sell the vehicle. Sale could have been done by registered owner of vehicle. As per status report, Ranbir Pehlwan, alleged purchaser of car died in an encounter, whereas, husband of respondent No. 2 had gone to Cambodia. As per status report, look-out circular was issued qua him. Now, learned counsel for petitioners has placed on record Death Certificate of Naveen Sharma (Annexure P-6),



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according to which he died on 19.08.2016 alongwith affidavit of petitioner No. 1 (Annexure P-7). This fact is to be considered by the trial Court.

8. Therefore, in the light of aforesaid factual position, continuation of criminal proceedings in FIR No. 411 dated 26.05.2015 (Annexure P-1) (supra) and challan presented in this case (Annexure P-8) with further proceedings thereon qua present petitioners namely Shivcharan Sharma and Kamlesh Sharma alias Kamla Sharma is nothing but misuse of criminal procedure. Consequently, I find merits in petition filed by petitioners and aforesaid FIR and challan with subsequent proceedings thereon qua petitioners are, accordingly, quashed.

9. Petition is, accordingly, allowed.

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

14.07.2025

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No