



CRM-M-15997-2025

-1-

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

289

CRM-M-15997-2025

Date of decision : 27.05.2025

Ashwani Kumar @ Ashwani Walia and Ors.

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Harish Bhatti, Advocate for petitioners.

Mr. Sulinder Kumar DAG, Haryana.

Ms. Diksha, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners- Ashwani Kumar @ Ashwani Walia, Tara Devi and Amar Chand filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.220 dated 05.10.2022, registered under Sections 323, 377, 498-A and 506 of IPC (Section 406 of IPC was added and Section 377 of IPC was deleted later on), at Police Station Partap Nagar, Yamuna Nagar, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioners, in light of the compromise effected between the parties dated 22.01.2025 (Annexure P-2).

2. As per facts of the case, complainant Pooja filed complaint against her husband Ashwani Walia and others alleging that her marriage was performed with Ashwani Walia on 17.01.2012. Her parents had given dowry as detailed in the FIR and had spent about Rs. 6 Lacs on her marriage. Her husband and in-laws family turned out to be greedy persons. She was taunted for bringing less dowry. During this period, she gave birth to a daughter who is 08 years old. They were not happy with the birth of a girl child. She again gave birth to a girl child.



The maltreatment continued in the matrimonial home. She was being pressurized to give divorce so that they could perform marriage of her husband with another girl. She was also pressurized to bring Rs.2 Lacs from her parents. Panchayats were also convened but there was no change in their behaviour. She lodged complaint on 15.01.2021 regarding domestic violence. No action was taken against the accused persons. Finally, the present FIR was registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 24.03.2025, 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 Sub Divisional Judicial Magistrate, Bilaspur dated 19.04.2025. 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- Ashwani Kumar @ Ashwani Walia, Tara Devi and Amar Chand also confirmed this fact in their joint statement. Statement of SI Randhir Singh is also recorded who confirmed that petitioners are not involved or declared as proclaimed offenders in any other criminal case.

5. Therefore, from the report of Sub Divisional Judicial Magistrate, Bilaspur, 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.1,50,000/- out of which Rs.75,000/- are to be paid by petitioner to complainant at the time of recording of first motion statements and balance



amount of Rs.75,000/- will be paid at the time of recording of second motion 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 petitioners is accepted and FIR No.220 dated 05.10.2022, registered under Sections 323, 377, 498-A and 506 of IPC (Section 406 of IPC was added and Section 377 of IPC was deleted later on), at Police Station Partap Nagar, Yamuna Nagar, Haryana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioners.

(AMARJOT BHATTI)
JUDGE

27.05.2025.

Sunil Devi

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