



CRM-M-38313-2022

-1-

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

261

CRM-M-38313-2022

Date of decision : 25.03.2025

Naresh Sharma

..... Petitioner

V/S

State of Punjab and Ors.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Ms. Tuneet Walia, Advocate for petitioner.

Mr. Baljinder Singh, DAG, Punjab.

Mr. Arjun Lakhanpal, Advocate for respondents No.2 & 3.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Naresh Sharma has filed instant petition under Section 482 of Cr.P.C. for quashing of FIR No.24 dated 17.04.2018, under Section 498-A of IPC, registered at Police Station Women Cell (Commissionerate), Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.03.2022 (Annexure P-2).

2. As per facts of the case, complainant Rajinder Mohan Kapuria father of the girl Akanksha Sharma filed written complaint alleging that his daughter Akanksha Sharma is Professor in Technical University and was married at Jalandhar (Punjab) with Naresh Sharma about 17 years ago. Out of this wedlock, she is having two children below the age of 08 years. Naresh Sharma was employed in Municipal Committee, Punjab. He along with his family members started harassing his daughter Akanksha Sharma for one reason or the other. At the time of marriage, their demands were fulfilled as per their expectations. He was put behind the bars for corruption charges. It was not possible for him to satisfy their demands. The husband under the influence of his mother even



slapped his daughter. There is nobody in India who could support his daughter and children. His daughter is Professor and she is getting good salary. She is looking after the children and saving money for their better future. Naresh Sharma and his family is greedy. They are keeping eye on her salary which she did not want to give for the sake of her own family. With these allegations, written complaint was filed by complainant who is settled in U.K.

3. Mr. Arjun Lakhanpal, Advocate filed power of attorney on behalf of respondent No.3, which is taken on record.

4. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 26.08.2022, 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 15.10.2022. 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. Statement of respondent No.3 (complainant) father of the girl is also recorded through Video Conferencing duly identified by her daughter Akanksha Sharma where he confirmed the compromise with petitioner. He confirmed that this compromise has been effected voluntarily, without any coercion or undue influence and he has no objection regarding quashing of FIR.

5. Petitioner- Naresh Sharma also confirmed this fact in his separate statement. Statement of ASI Gursharan Singh is also recorded who confirmed that petitioner is not involved or declared as proclaimed offender in any other criminal case.



6. 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. Thereafter, they will be able to live independently in peace and harmony. No purpose would be served with the continuation of criminal proceedings.

7. 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.’

8. 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.24 dated 17.04.2018, under Section 498-A of IPC, registered at Police Station Women Cell (Commissionerate), Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

25.03.2025.

Sunil Devi

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