



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

259

CRM-M-43875-2024

Date of decision : 28.01.2025

Himanshu

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Gulshan Mehta, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Sanjeev K.Kush, Advocate
for respondent No.2 (through V.C.).

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Himanshu has filed instant petition under Section 482 Cr.P.C. for quashing of FIR No.196 dated 31.07.2021, under Sections 120-B, 377, 494, 498-A & 506 of IPC, 1860 (Annexure P-1), registered at Police Station City Pehowa, District Kurukshetra, Haryana (Sections 377 and 120-B of IPC were deleted and Sections 406, 494, 498-A & 506 of IPC were added vide order dated 03.09.2022) and all subsequent proceedings arising therefrom on the basis of compromise dated 01.08.2024 (Annexure P-3) and affidavit of complainant/respondent No.2 dated 03.08.2024 (Annexure P-4).

2. As per the facts of the case, complainant Swati Sharma filed written complaint against her husband Himanshu and other members of in-laws family regarding maltreatment given to her in the matrimonial home. She alleged that she got married with Himanshu on 29.04.2013 at Narwana and their marriage was registered vide registration No.204 dated 25.07.2013. She started residing

in the matrimonial home with Himanshu at Gurgaon. In 2015, Himanshu started working in a company in Thane (Maharashtra) and took rented house where they lived together. In March, 2020 due to Covid-19, she along with her child were brought to Narwana. Thereafter, she noticed that her husband used to talk to a lady at night time. His behaviour changed altogether. Ultimately, she found that her husband had gone to Delhi to meet accused No.2 Raghuvanshi Kiran. She was told on 30.01.2021 that Himanshu was going to Mumbai and she was also shown air tickets to Mumbai but in fact, he started residing in Delhi with accused No.2. She again came to their flat in Thane along with her husband but she was again told by her in-laws to come back to Narwana as her husband was to go to Pune for 3-4 weeks. On 24.03.2021, her son Kartik underwent surgery at PGI, Rohtak but her husband did not come. Finally, she came to know that her husband was neither in Mumbai nor in Pune but he had taken a flight to Delhi and was residing with accused No.2. During Covid-19, her husband got infected, she took care of her husband. There was no change in the behaviour of her husband. During this time, she came across marriage photographs, marriage certificate and other documents in the laptop of Himanshu regarding his marriage with accused No.2. She enquired the matter from her husband and his parents, who in return abused her and told her to give divorce to Himanshu. Thereafter, she was misbehaved by the other members of the family of her husband. She was being forced and pressurized to sign document by way of affidavit on stamp paper to which she refused. She was threatened by accused to kill her. In fact, they wanted her to give divorce to Himanshu. Thereafter, present complaint was filed.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 06.11.2024, 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, Pehowa dated 24.01.2025. 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 pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioner- Himanshu also confirmed this fact in his separate statement. Statement of SI Subhash Kumar is also recorded who further confirmed that accused is not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Pehowa, 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 will be able to live in peace and harmony. It will end the litigation started between them. 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



CRM-M-43875-2024

-4-

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.196 dated 31.07.2021, under Sections 120-B, 377, 494, 498-A & 506 of IPC, 1860 (Annexure P-1), registered at Police Station City Pehowa, District Kurukshetra, Haryana (Sections 377 and 120-B of IPC were deleted and Sections 406, 494, 498-A & 506 of IPC were added vide order dated 03.09.2022) 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

28.01.2025.*Sunil Devi*

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