

2025:PHHC:052908



343.

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

CRM-M-40378-2024

Date of decision: 24.04.2025

Jyoti

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nipun Vashist, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana, for respondent No.1.

None for respondents No.2 and 3.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 528 of BNSS, 2023, is for quashing of FIR No.414, dated 26.12.2020, under Sections 323, 325, 506 of IPC, registered at Police Station Dharuhera, Rewari, and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

SUBMISSIONS OF THE PETITIONER

2. Learned counsel appearing for the petitioner submits that the FIR in question arises out of a matrimonial dispute between the petitioner and respondent No.3, who is the son of the complainant (respondent No.2). It is submitted that the marriage between the petitioner and respondent No.3 has been formally dissolved by mutual consent under Section 13-B of

Hindu Marriage Act, 1955 (for short, the Act), vide judgment dated 17.01.2025 passed by learned Family Court, Rewari. A certified copy of said judgment has been placed on record.

3. It is further contended that as part of the comprehensive settlement arrived at between the parties, it was agreed that all pending disputes and litigations *inter se* would be amicably resolved.

4. Learned counsel has further drawn attention to the compromise deed, annexed as Annexure P-2, executed between the parties, which clearly records that both respondents No.2 and 3 have no objection to the quashing of the present FIR. It is submitted that pursuant to this compromise, certain terms have already been acted upon, *inter alia*, an amount of Rs.1 lakh has been paid to the petitioner, and the balance of Rs.7 lakhs is to be paid before the Family Court on 05.09.2024, in furtherance of the settlement. The custody of the minor child, born out of the wedlock, has also been agreed to remain with the petitioner.

5. Learned counsel for the petitioner submits that this is the only criminal proceedings now pending between the parties. It is urged that, in view of the settlement, continuation of the present proceedings would serve no useful purpose and only perpetuate unnecessary hardship. Reliance has been placed on the judgment of Hon'ble Supreme Court in ***Mohd. Shamim Versus Nahid Begum, 2005(1) R.C.R. (Criminal) 697*** to support the argument that criminal proceedings arising out of matrimonial discord may be quashed in the interest of justice when the dispute has been amicably resolved.

SUBMISSIONS OF THE STATE

6. Learned counsel appearing for the State has opposed the petition on the ground that the allegations in the FIR pertain to acts of physical assault committed by the petitioner on her mother-in-law (respondent No.2) and husband (respondent No.3) on 25.12.2020 when she had come to collect her belongings. It is submitted that the investigation culminated in filing of a charge-sheet and that charges under Sections 323, 325, 506 of IPC have already been framed against the petitioner on 01.09.2022. The case is now fixed for prosecution evidence, with the prosecution witnesses yet to be examined.

7. However, learned State counsel, on instructions, fairly concedes that a compromise has indeed been effected between the parties, as reflected in Annexure P-2, and that the marriage between the petitioner and respondent No.3 stands dissolved under Section 13-B of the Act vide order dated 17.01.2025 passed by learned Family Court at Rewari.

8. I have heard learned counsel for the parties and perused the material placed on record.

9. Upon thoughtful consideration of the submissions advanced by learned counsel for the petitioner and the State, and a careful perusal of the record, it clearly emerges that the dispute forming the subject matter of the present FIR is rooted in matrimonial discord between the petitioner and respondent No.3, the son of the complainant. The incident alleged in the FIR pertains to a date shortly after the breakdown of the matrimonial relationship, when the petitioner had gone to her matrimonial home to

retrieve her belongings. The nature and context of the allegations, thus, are intrinsically personal and relational, and have not reflective of any offence involving public interest or societal impact.

10. What is further evident is that the parties have consciously chosen to put an end to their discord. The marriage between the petitioner and respondent No.3 stands legally dissolved by mutual consent under Section 13-B of the Act vide judgment dated 17.01.2025 passed by learned Family Court at Rewari. The record also reveals that the parties have entered into a comprehensive settlement agreement (Annexure P-2), whereby it was agreed that all pending disputes, civil or criminal, shall be withdrawn and resolved amicably.

11. Significantly, it transpires that most of the material terms of the compromise have already been acted upon. A substantial part of the financial settlement has already been complied with, as evidenced by the payment of Rs.1 lakh to the petitioner, with the balance amount which was scheduled to be paid before the Family Court. The custody of the minor child, born out of the wedlock, has also been resolved or agreed to remain with the petitioner.

12. Yet, despite the settlement having been partially executed and this Court having issued notice to the respondents and granted multiple adjournments, neither the complainant, respondent No.2, nor her son respondent No.3, has entered appearance or filed any objection to the relief sought. Their persistent absence, despite having knowledge of the proceedings, cannot be overlooked. It may reasonably be inferred that

either the private respondents have lost interest in pursuing the prosecution, or worse, the continued pendency of the case is being used as a tool to exert mental pressure or cause harassment to the petitioner, possibly driven by residual bitterness or past acrimony. Either way, the continuation of proceedings under such circumstances would defeat the very object of the settlement and would serve no useful purpose.

13. The Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** has authoritatively held that the offences arising out of matrimonial relationship, where the parties have settled disputes amicably and there is no overriding public interest involved, the High Court may exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the criminal proceedings. The same principle has been reiterated in ***Narinder Singh Versus State of Punjab, 2014 (6) SCC 466*** where it was held that even in non-compoundable offences, if the dispute is purely personal in nature, the court may lean in favour of settlement to secure the ends of justice and promote harmony.

14. The present case squarely falls within this category. The essential character of the dispute is personal and private. The parties have not only separated but have formalized their separation through judicial decree and settlement. The non-appearance of the complainant, respondent No.2 despite notice, further supports the inference that she has no serious grievance pending or intention to pursue the matter earnestly.

15. This Court, therefore, is of the considered view that no fruitful purpose would be served by continuing with the criminal proceedings.

Rather, it would amount to subjecting the petitioner to unwarranted litigation and harassment in a matter that stands substantially resolved. The compromise has removed the substratum of the criminal dispute, and any further continuation would be oppressive and contrary to the spirit of justice.

16. Accordingly, the present petition is allowed and FIR No.414, dated 26.12.2020, under Sections 323, 325, 506 of IPC, registered at Police Station Dharuhera, Rewari and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

(MANJARI NEHRU KAUL)
JUDGE

April 24, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No