

**CRM-M-37401-2025(O&M)****1**

231

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-37401-2025(O&M)**

Date of Decision : 19.09.2025

ARVIND KHARDORI AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dinesh Kumar Chaudhary, Advocate for
Ms. Manju Goyal, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Ms. Aparna Singhal, Advocate respondent No.2.

KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Section 528 of BNSS for quashing of FIR No.30 dated 30.03.2019, under Sections 34, 406 and 498-A IPC, registered at Police Station Women, West Gurugram, District Gurugram, including the final report filed under Section 173 Cr.P.C. dated 10.06.2019 and all consequential proceedings arising therefrom.

2. Heard learned counsel for the parties and also gone through the case file.

3. This Court, while issuing notice of motion, directed the parties to appear before the Area Magistrate/trial Court for recording their statements with regard to the compromise and passed the following order on 13.08.2025 :-



“This petition has been filed for quashing of FIR No.30 dated 30.3.2019, under Sections 34, 406 & 498-A IPC, registered at Police Station Women West Gurugram, District Gurugram, including final report filed under Section 173 Cr.P.C. dated 10.6.2019 and all consequential proceedings arising therefrom.

Learned counsel for the petitioners inter alia submits that marriage between petitioner No.1 and respondent No.2 was solemnized on 2.10.2006 and out of this wedlock, no child was born. Thereafter, on account of temperamental differences, matrimonial dispute ensued between both the parties, leading to the registration of the abovesaid FIR. It is submitted that after registration of the FIR, petitioner No.1 and respondent No.2 have agreed to dissolve their marriage by way of mutual consent and they filed a petition under Section 13(b) of the Hindu Marriage Act, 1955 before the Principal Judge, Family Court, Gurugram. He further submits that vide order dated 7.4.2025 passed by the Family Court, divorce was granted to the parties and now, the matter has been amicably settled between the parties. In this regard, reliance is placed on Annexure P5, which is a compromise deed.

Notice of motion.

Mrs. Saumya Ahluwalia, Senior DAG, Haryana, accepts notice on behalf of respondent No.1-State. Ms. Aparna Singhal, Advocate, accepts notice on behalf of respondent No.2 and has filed her vakalatnama. The same is taken on record.

Learned State counsel as well as counsel for respondent No.2 have not controverted to the averments made by learned counsel for the petitioners.

In view of above submissions, the parties are directed to appear before the trial Court/Illaq/Duty Magistrate on 25.8.2025 or any other future date as per its convenience or on request of the parties for getting their statements recorded with regard to the compromise. The trial Court/Illaq/Duty Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/proclaimed person, in the case;*
- 2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. The stage of the trial/proceedings pending;*
- 4. If, the compromise is genuine, voluntary and out of free will of the parties;*
- 5. Whether any other criminal case pending against the accused.*

Report of the trial Court/Illaq/Duty Magistrate be awaited for 15.9.2025.

Learned State counsel is directed to file status report on or before the next date of hearing.”



received from the Judicial Magistrate Ist Class, Gurugram. A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

5. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the view that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

6. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment reads thus:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code.

Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.

xxx

xxx

xxx. ”

7. In view of the afore-referred judgments and after perusing the report



CRM-M-37401-2025(O&M)

4

of the trial Court regarding amicable settlement between the petitioners and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.

8. Resultantly, the present petition is allowed and FIR No.30 dated 30.03.2019, under Sections 34, 406 and 498-A IPC, registered at Police Station Women, West Gurugram, District Gurugram, including the final report filed under Section 173 Cr.P.C. dated 10.06.2019 and all other consequential proceedings arising therefrom ***subject to the costs of Rs. 20,000/- to be deposited in the Punjab State Legal Services Authority-Disaster Relief Fund, Account No. 44426937384, IFSC Code-SBIN0014656.***

Pending application(s), if any, also stands disposed of accordingly.

19.09.2025

Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No