



CRM-M-43094-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

248

CRM-M-43094-2024

Date of decision : 27.01.2025

Lokesh

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Kanhiya Soni, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Vishal Singh Borowal, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Lokesh has filed instant petition under Section 482 Cr.P.C. for quashing of FIR No.0093 dated 26.07.2022 (Annexure P-1), under Sections 323, 406, 498-A, & 506 of IPC, 1860, registered at Women Police Station Rohtak, District Rohtak and all subsequent proceedings arising therefrom on the basis of divorce petition under Section 13-B of Hindu Marriage Act dated 01.07.2024 (Annexure P-2) as the matter has been amicably settled between the parties.

2. As per the facts of the case, complainant Rekha Devi gave her statement that she got married with Lokesh on 28.02.2020. Her husband was working as Tax Assistant in Custom Department, Chandigarh. Her parents had given dowry as per their capacity. After 10 days of her marriage, her mother-in-law took her entire jewellery and kept it with herself. Her sister-in-laws misbehaved with her. Her husband also ignored behaviour of his family members. She was illtreated in the matrimonial home and was not given proper food to eat. She was scolded and even beaten up. On 04.05.2020, she came to her parental house. Her husband and

**CRM-M-43094-2024****-2-**

mother-in-law forced her to transfer FD of Rs.5,00,000/- in their name. After long arguments, she was taken back in the matrimonial home. They again insisted to transfer FD and on her refusal, they started beating her. Her husband tried to strangulate her. Around 03:30 AM, two policemen came and she disclosed everything to the police. Once the police left, her husband and mother-in-law again started threatening her. She got herself medically examined on 25.05.2020. A compromise was arrived at, however, her in-laws did not come to take her back in the matrimonial home. Her mother-in-law also filed a complaint against her before Sub Divisional Magistrate. All efforts to settle the dispute with her in-laws failed and thereafter, present case was registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 03.09.2024, 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, Rohtak dated 21.10.2024. 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- Lokesh also confirmed this fact in his separate statement. Statement of L/S.I. Manju 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, Rohtak, 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



CRM-M-43094-2024

-3-

matrimonial dispute. They have also filed joint petition under Section 13-B of Hindu Marriage Act. Matter has been settled in Rs.9,50,000/- out of which Rs.4,50,000/- are already paid by petitioner to complainant at the time of recording of first motion statements and balance amount 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 petitioner is accepted FIR No.0093 dated 26.07.2022 (Annexure P-1), under Sections 323, 406, 498-A, & 506 of IPC, 1860, registered at Women Police Station Rohtak, District Rohtak and all consequential proceedings arising therefrom are quashed qua petitioner.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

27.01.2025.

Sunil Devi

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No