



CRM-M-43272-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-43272-2024

Date of decision : 23.01.2025

Shelly Sahanii

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Lupil Gupta, Advocate and
Mr. Hardeep Gandhi, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Rahul, Advocate for
Ms. Bhumika Sachan, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner – Shelly Sahanii has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.68 dated 22.09.2022, under Sections 323, 406, 498-A, & 506 of IPC, registered at Police Station Women, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.08.2024 (Annexure P-2).

2. As per the facts of the case, complainant Jyotsna Sahnii filed written complaint against her husband Shelly Sahanii for physical and mental cruelty caused to her and misappropriation of her valuable articles including car and credit cards. She had filed a complaint against her husband under Section 498-A, 406 of IPC which was pending for investigation. She was regularly pursuing her complaint. She was compelled to move to Indore, Madhya Pradesh as her father was unwell, who ultimately expired due to Covid on 19.04.2021. Thereafter, there was third wave of Covid-19 and restrictions came into force. Ultimately, she returned to

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Gurugram and approached the concerned office regarding status of her complaint. The complainant alleged that she got married with Shelly Sahanii on 09.12.1999. She lived in a joint family. It was an arrange marriage. She gave birth to a child/son on 09.02.2001. She is residing in Gurugram in a house purchased by her mother in 2006. She was physically and mentally harassed by her husband. He was abusive and used to get physically violent. She faced various difficulties in the matrimonial home but she continued to live for the sake of her child. During all these years, he and his family exploited her. She was not given enough money to run the household. Her husband forced her to give him cash money given by her mother to her and her son as a gift. She stayed in hostile atmosphere for the last about 17 years but ultimately, she could not take it anymore. The complainant has narrated various incidents which took place from time to time. Ultimately, to live with dignity, she filed this complaint for taking action against her husband.

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, Gurugram dated 21.09.2024. 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- Shelly Sahanii also confirmed this fact in his separate statement. Statement of L/HC Kirosta 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, Gurugram, 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. 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 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.68 dated 22.09.2022, under Sections 323, 406, 498-A, & 506 of IPC, registered at Police Station Women, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom is quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

23.01.2025.
Sunil Devi

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