

CRM-M-51010-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118+250

CRM-M-51010-2024 (O&M)

Date of decision : 27.01.2025

Baljit Singh and Anr.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Kuldeep Singh Saini, Advocate for petitioners.

Mr. Japjot Singh, AAG, Punjab.

Mr. Gagandeep Singh, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

CRM-2649-2025

This is an application filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record amended petition and amended memo of parties as Annexure P-3.

For the reasons stated in the application, same is allowed. Amended petition and amended memo of parties as Annexure P-3 are taken on record.

Application is disposed of accordingly.

CRM-M-51010-2024

1. Petitioners- Baljit Singh and Shamsher Kaur have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.99 dated 04.09.2021 (Annexure P-1), under Sections 406, 498-A of IPC, 1860, registered at Women Police Station, District Police

Commissionerate, Jalandhar on the basis of compromise dated 11.09.2024 (Annexure P-2).

2. As per the facts of the case, complainant Savita Sood filed written complaint against her husband Baljit Singh and other members of in-laws family alleging that she got married with Baljit Singh on 19.02.2020. Her parents had spent Rs.20-25 lacs on marriage. Her parents had given dowry articles in the shape of gold ornaments, clothes, furniture and other household articles. Soon after marriage, she was harassed by her husband and entire in-laws family and she was given beating. There was demand for motorcycle for her husband. Thereafter, on the demand of her husband, she got Honda Activa PB-08-AT-6325 from her parents. Sometimes her mother used to give money to settle her in the matrimonial home. There was demand of Rs.1.5 Lacs from her parents so that her husband could start a new job. There was no change in the behaviour of her husband and in-laws family. She was pressurized to bring Rs.5 Lacs from her parents, to which she replied that her parents cannot fulfill this demand. She was given beating and locked in a room while she was on family way. She was turned out of the matrimonial home in June, 2020. She disclosed everything to her family. When she came to know about her pregnancy, she requested her in-laws to take her back. Her mother expired due to stress. On 02.01.2021, her family informed her in-laws regarding her admission in the hospital for delivery. Her husband and mother-in-law came and when they realized that a baby girl was born, they did not meet her. Till date nobody came from her in-laws family nor answered her phone calls. All her belongings are lying in the matrimonial home. They have not returned Rs.5 Lacs given to them by her parents. Ultimately, the matter was reported to the police.

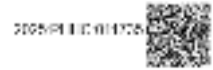
3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 16.10.2024, petitioners and respondent No.2 were directed to appear before the trial Court/Illaq Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Judicial Magistrate Ist Class, Jalandhar dated 12.11.2024. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected without any threat, inducement or any kind of pressure from any side and she has no objection regarding quashing of FIR.

4. Petitioners- Baljit Singh and Shamsher Kaur also confirmed this fact in their separate statements. Statement of ASI Rajesh Kumar is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, Jalandhar, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled their 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



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 petitioners is accepted FIR No.99 dated 04.09.2021 (Annexure P-1), under Sections 406, 498-A of IPC, 1860, registered at Women Police Station, District Police Commissionerate, Jalandhar is quashed qua petitioners.

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

(AMARJOT BHATTI)
JUDGE

27.01.2025.

Sunil Devi

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