

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-53484-2024
Date of decision : 14.01.2025

Balwinder Singh @ Lovely

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Manish Bansal, Advocate
for petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Rohit Kumar, Advocate
for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner-Balwinder Singh @ Lovely has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0029 dated 25.09.2020, under Sections 406, 498-A of IPC, registered at Women Police Station, District Bathinda (Annexure P-1) and subsequent proceedings arising therefrom on the basis of settlement and terms and conditions mentioned in joint petition filed under Section 13-B of Hindu Marriage Act for dissolution of their marriage in which, 1st motion statements were got recorded by both the parties on 17.08.2024 (Annexure P-2 and P-3).

2. As per the facts of the case, written complaint was filed by complainant Rajni against her husband Balwinder Singh @ Lovely and other members of in-laws family alleging that her marriage was performed on 15.05.2019. During *Shagun*

ceremony and marriage ceremony gold ornaments, customary gifts and huge cash amount was given. Her parents had spent Rs.12 Lacs on her marriage. During her stay in the matrimonial home i.e. during the second month, there was demand of Rs.5 Lacs. She expressed her inability to satisfy this demand. She was beaten up. Ultimately, she disclosed about the aforesaid incident to her parents. A complaint was lodged with the police. The matter was reconciled on assurance of her husband and in-laws family that it will not happen in future. During this period, she became pregnant. Even then her in-laws family harassed her and finally both husband and wife were sent to Bathinda in September, 2019. They shifted in a rented accommodation. There was no change in the behaviour of her husband. Her father gave Rs.25,000/- in cash and requested her husband not to raise further demand. Her husband took a loan from the bank in her name to purchase a motorcycle. She was six months pregnant when she was turned out of the matrimonial home. Again, a Panchayat was convened. She gave birth to a girl child on 03.05.2020. She was taken back in the matrimonial home with an assurance that she will be kept properly but again on 26.06.2020, she was turned out of the house. Again, a complaint was filed before the police. She was threatened by her husband. Ultimately, the complaint was filed for taking action against her husband and in-laws family.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 28.11.2024, 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-cum-CJJD, Bathinda dated 04.01.2025. Statement of respondent No.2 has been recorded, where she

confirmed the compromise with petitioner. She confirmed that this compromise has been effected with her free will and she has no objection regarding quashing of FIR.

4. Petitioner- Balwinder Singh @ Lovely also confirmed this fact in his statement. Statement of ASI Baljit Singh is also recorded who further confirmed that only Balwinder Singh @ Lovely is challaned and accused is not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class-cum-CJJD, Bathinda, it is clear that compromise has been effected between the parties without any kind of influence or coercion. They have mutually settled all their claims arisen from matrimonial dispute. They had also filed joint petition under Section 13-B of Hindu Marriage Act in which 1st motion statements were got recorded by both the parties on 17.08.2024 (Annexure P-2 and P-3). 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.0029 dated 25.09.2020, under Sections 406, 498-A of IPC, registered at Women

Police Station, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioner.

8. The present petition accordingly stands accepted.

(AMARJOT BHATTI)
JUDGE

14.01.2025.
Sunil Devi

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