

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-55758-2024
Date of decision : 05.02.2025

Amit Gangwal @ Yogender and Ors.
..... Petitioners

V/S

State of Haryana and Anr.
..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Ms. Pallavi Babbar, Advocate
for petitioners.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Akash Aggarwal, Advocate
for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners- Amit Gangwal @ Yogender, Ram Sawroop, Bimla, Nisha @ Nisha Chaudhary and Simpi have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0497 dated 18.06.2023, under Sections 323, 34, 406, 498-A, 506 of IPC, registered at Police Station Karnal City, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.10.2024 (Annexure P-2).
2. As per the facts of the case, complainant Meenakshi filed written complaint against her husband and in-laws family with the allegations of maltreatment on account of demand of dowry as well as misappropriation of her dowry articles. The complainant alleged that she got married with Amit Gangwal

marriage. They were given gold ornaments, shagun and other household articles. After few days of marriage, there was marriage of cousin of her husband who brought car in dowry. Thereafter, all the accused persons started misbehaving with her and their attitude changed towards her. They raised demand for car and cash of Rs.25 Lacs. She started doing private job in Delhi. She explained that her father was not in a position to give a car but she will give her entire salary to her husband and from it, he could purchase a car. Even then, her husband and in-laws family remained unhappy and they continued to quarrel with her and harassed her mentally. A Panchayat was also convened to resolve the matter. The complainant has narrated various incidents which took place during her stay in the matrimonial home. She was physically assaulted on the intervening night of 18/19.05.2023 and the police was informed. With these allegations, present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 11.11.2024, 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, Karnal dated 24.12.2024. 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 pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioners- Amit Gangwal @ Yogender, Ram Sawroop, Bimla, Nisha @ Nisha Chaudhary and Simpi have also confirmed this fact in their joint statement. Statement of SI Vinod Kumar is also recorded who further confirmed

that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Ram Sawroop-father-in-law is arrayed as one of the petitioner. As per status report received in this case, Ram Sawroop (petitioner No.2) is not challaned in the present case.

Learned counsel representing State has also filed detailed status report confirming that Ram Sawroop (petitioner No.2) was found innocent during investigation. Therefore, he was not challaned in the aforesaid FIR.

6. Therefore, from the report of Judicial Magistrate Ist Class, Karnal, 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 matrimonial dispute. They have also filed joint petition under Section 13-B of Hindu Marriage Act in which decree of divorce has been granted on 09.10.2024 (Annexure P-3). Now, they will be able to live independently in peace. No purpose would be served with the continuation of criminal proceedings.

7. 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.'

8. 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 and FIR No.

0497 dated 18.06.2023, under Sections 323, 34, 406, 498-A, 506 of IPC, registered at Police Station Karnal City, District Karnal (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners except Petitioner No.2 (Ram Sawroop).

(AMARJOT BHATTI)
JUDGE

05.02.2025.
Sunil Devi

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