

CRM-M-56219-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-56219-2024

Date of decision : 20.01.2025

Hemant Sawhney

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rahul Verma, Advocate
for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Yagsimant Attri, Advocate
for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Hemant Sawhney has filed instant petition under Section 482 Cr.P.C. for quashing of FIR No.56 dated 25.05.2022, under Sections 323, 406, 498-A, 506 of IPC, 1860, registered at Women Police Station Panchkula and all subsequent proceedings arising therefrom on the basis of compromise dated 14.05.2024 (Annexure P-2).

2. As per the facts of the case, complainant Minakshi Sharma filed written complaint against Hemant Sawhney, Meena Sawhney and Sneha Sawhney under the provisions of Sections 406, 498-A, 323, 506, 120-B of IPC for causing mental and physical cruelty on account of demand of dowry. It is submitted that she got married with Hemant Sawhney on 16.07.2017. Meena Sawhney is her mother-in-

law and Sneha Sawhney is her sister-in-law. Her parents had spent huge amount of approximately Rs.12 Lacs on reception of *Barat* and purchase of dowry articles. They lived together as husband and wife and out of this wedlock, she gave birth to a male child on 30.05.2019. From the very beginning, the act and conduct of the accused persons was rude, non-cooperative and cruel towards her. With every passing day, the dispute arose and her husband gave merciless beating to her without any rhyme or reason. All her dowry articles were retained by the accused persons. On the demand of accused, her parents gave one LED at *Lohri* festival. They again raised demand for dressing table which was fulfilled by her parents. Their demands increased which her parents could not fulfill. On 26.02.2018, she was left in her parental house with the demand of Rs.2 Lacs. Her parents gave Rs.2 Lacs to accused No.1 and she was taken back in the matrimonial home. During her pregnancy in September, 2018 accused No.2 and 3 started threatening to abort the pregnancy as they could not bear the expenditure. She gave birth to a child on 30.05.2019. She was not provided proper food and care. With the passage of time, their demands increased as detailed in the FIR. Her child was snatched by the accused. Matter also came up before Women Police Station. She was taken back in the matrimonial home on 17.08.2020 but again dispute started and she was beaten up. From 05.01.2021, she is living in her parental house. Ultimately, she filed this complaint on the basis of which present FIR has been registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 12.11.2024, 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, Panchkula dated



07.01.2025. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioner- Hemant Sawhney also confirmed this fact in his separate statement. Statement of HC Harpreet Kaur is also recorded who further confirmed that accused is not involved or declared as proclaimed offender in any other criminal case. She stated that during investigation Meena Sawhney and Sneha Sawhney were found to be innocent and challan was submitted only against present petitioner- Hemant Sawhney.

5. Therefore, from the report of Judicial Magistrate Ist Class, Panchkula, it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled their matrimonial disputes. 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 and FIR No.56 dated 25.05.2022, under Sections 323, 406, 498-A, 506 of IPC, 1860, registered at Women Police Station Panchkula and all consequential proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

20.01.2025.
Sunil Devi

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