

CRM-M-62078-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-62078-2024

Date of decision : 28.01.2025

Anand Kumar

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vivek Dahiya, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Raman Kaswan, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Anand Kumar has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.26 dated 06.07.2023 (Annexure P-1), under Sections 323, 406, 498-A, 34 of IPC, 1860, registered at Women Police Station Sonipat, District Sonipat and all subsequent proceedings arising therefrom on the basis of compromise dated 18.11.2024 (Annexure P-2).

2. As per the facts of the case, complainant Priti filed written complaint against her husband Anand Kumar and others alleging that she got married with Anand Kumar on 18.11.2010. Out of this wedlock, she gave birth to a son aged 05 years and daughter aged 03 years. Her parents had given dowry beyond their means and had spent Rs.20 Lacs in marriage. Soon after marriage, all accused started taunting her for bringing less dowry. They used to say that her parents had disgraced them in the society. In March, 2013, she got a job as Primary Teacher in Delhi MCD. She was permitted to do her job with the condition that



she will give her entire salary to her in-laws. Her husband took her ATM card. She was given small amount for her necessity. During this period, her husband misbehaved with her in the presence of other teachers and staff members of the school. At one occasion, she called the police. Thereafter, when she returned home, she was not permitted to meet her children nor she was allowed to enter the house. Thereafter, present complaint was filed.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 11.12.2024, 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, Sonapat 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 without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

4. Petitioner- Anand Kumar also confirmed this fact in his separate statement. Statement of L/HC Jyoti 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, Sonapat, 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 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.



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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.26 dated 06.07.2023 (Annexure P-1), under Sections 323, 406, 498-A, 34 of IPC, 1860, registered at Women Police Station Sonipat, District Sonipat and all subsequent proceedings arising therefrom are quashed qua petitioner.

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

(AMARJOT BHATTI)
JUDGE

28.01.2025.

Sunil Devi

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