

CRM-M-62140-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-62140-2024

Date of decision : 30.01.2025

Yogender Nain

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. G.S.Dhillon, Advocate
for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Jashandeep Singh Bains, Advocate
for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Yogender Nain has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.428 dated 31.08.2022, under Sections 323, 406, 498-A, 506 of IPC, 1860, registered at Police Station Chandimandir (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.11.2024 (Annexure P-6).

2. As per the facts of the case, complainant Savita Nain filed written complaint against her husband Yogender Nain and other members of in-laws family with the allegations of causing mental and physical cruelty, raising demand for dowry and extending threats to her life. It is alleged that her marriage was performed with Yogender Nain on 07.02.2010 at Raj Palace, Jind, Haryana.

Her parents had given dowry articles consisting of costly jewellery, shagun and other customary gifts at the time of *Roka* ceremony as well as marriage. They had spent Rs.15 Lacs approximately in the marriage and dowry was given beyond their capacity. There was further demand of Rs.10 Lacs from her parents and prior to marriage, they used to threaten that they can cancel the marriage. After marriage, she was illtreated in the matrimonial home for not bringing car in marriage. They used to insist that their status has been lowered in the society. Husband of complainant was working in Merchant Navy and was getting handsome salary. Therefore, they were expecting more dowry. The complainant has narrated various incidents which took place in the matrimonial home regarding ill-treatment given to her. They were raising demand of one article or the other. She was continuously humiliated and even beaten up in the matrimonial home. Her husband also illtreated her. On 26.06.2020, she was told that she can go to her parental house and her husband will file divorce petition. She tried to contact her husband but he did not pick up her calls. All her dowry articles are misappropriated by accused persons. With these allegations, present FIR has been registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 12.12.2024, petitioner and respondent No.2 were directed to appear before the trial Court/Illaqa Magistrate for recording their statements on the basis of compromise. Detailed report regarding compromise has been received from the court of Additional Chief Judicial Magistrate, Panchkula dated 21.12.2024. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioner. She confirmed



that this compromise is genuine, voluntary and out of free will and she has no objection regarding quashing of FIR.

4. Petitioner- Yogender Nain also confirmed this fact in his separate statement. Statement of ASI Sunita 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 Additional Chief Judicial Magistrate, Panchkula, 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.

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. 428 dated 31.08.2022, under Sections 323, 406, 498-A, 506 of IPC, 1860,

registered at Police Station Chandimandir (Annexure P-1) 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

30.01.2025.
Sunil Devi

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