



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-62204-2024
Date of decision : 22.01.2025

Sahil Marwaha and Anr.

..... Petitioners

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Nagar Singh, Advocate for petitioners.

Mr. Kewal Singh, Addl. A.G., Punjab.

Mr. Gagandeep Singh, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioners-Sahil Marwaha and Pooja Marwaha have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.33 dated 08.10.2024 (Annexure P-1), under Sections 406, 498-A, of IPC, 1860, registered at Police Station Women, Ferozepur, District Ferozepur and all subsequent proceedings arising therefrom on the basis of compromise dated 17.11.2024 (Annexure P-2).
2. As per the facts of the case, complainant Rabia filed written complaint against her husband Sahil Marwaha and other members of the family for maltreatment on account of their demand for dowry and for misappropriating her dowry articles. It is alleged that the complainant got married with Sahil Marwaha on 26.08.2023. Her parents had given huge dowry beyond their capacity by spending Rs.5 Lacs. She has given the detail of articles given at the time of marriage. Soon after marriage, they started taunting her for bringing less dowry. They were expecting that Rs.50 Lacs will be spent at the time of marriage. After about two

months of marriage, she was told that Sahil Marwaha was going abroad along with his friends on a tour and she was sent to her parental house. After some time, her husband returned home. She called her husband and in-laws family time and again but they were not ready to take her back unless their demand for car was fulfilled. Panchayat was also convened but they insisted on their demand. They also retained all her dowry articles. Since 13.11.2023, she is living in her parental house. Ultimately, she filed this complaint.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 12.12.2024, petitioners 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 Chief Judicial Magistrate, Ferozepur dated 09.01.2025. 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- Sahil Marwaha and Pooja Marwaha also confirmed this fact in their separate statements. Statement of ASI Darshan Singh is also recorded who further confirmed that accused are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Chief Judicial Magistrate, Ferozepur, 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. Matter has been settled in Rs.20 Lacs out of which Rs.10 Lacs

are already paid by petitioners to complainant at the time of recording of first motion statements and balance amount will be paid at the time of recording of second motion statements. Thereafter, they will be able to live independently in peace and harmony. 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 FIR No.33 dated 08.10.2024 (Annexure P-1), under Sections 406, 498-A, of IPC, 1860, registered at Police Station Women, Ferozepur, District Ferozepur and all consequential proceedings arising therefrom are quashed qua petitioners.

(AMARJOT BHATTI)
JUDGE

22.01.2025.
Sunil Devi

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