



CRM-M-62539-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 03.02.2025

Hitesh Saini and Anr.

..... Petitioners

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. B.S.Tewatia, Advocate for petitioners.

Ms. Nidhi Garg, AAG, Haryana.

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

AMARJOT BHATTI J. (ORAL)

1. Petitioners- Hitesh Saini and Smt. Indra Saini have filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.145 dated 07.11.2021, under Sections 498-A, 323, 406, 313, 34 of IPC, registered at Police Station Women Central Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of divorce petition under Section 13-B of Hindu Marriage Act dated 03.10.2024 (Annexure P-2) as the matter has been amicably settled between the parties.

2. As per the facts of the case, complainant Kanchan filed written complaint to Police Commissioner, Sector 21-C, Faridabad with the allegations that she got married with Hitesh Saini on 25.11.2020. In the second month of her marriage, she was beaten up by her husband, mother-in-law and sister-in-law. They taunted her for bringing less dowry. When she was on family way, she suffered miscarriage. Her mobile phone was broken. After the dispute, she

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started living in a rented house. Her husband did not give money to run the household. Thereafter, her husband ran away from there and she was turned out of the house by the landlord. She came to her matrimonial home where again she was given beating with the help of lady police. The entire family of her husband left the house by locking rooms and only one room is open where she is living. With these allegations, present FIR was registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 13.12.2024, 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, Faridabad dated 29.01.2025. 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- Hitesh Saini and Smt. Indra Saini also confirmed this fact in their separate statements. Statement of ASI Sarita 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 Judicial Magistrate Ist Class, Faridabad, 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.17,00,000/- out of which Rs.8,00,000/- are already paid by petitioner to



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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 and FIR No. 145 dated 07.11.2021, under Sections 498-A, 323, 406, 313, 34 of IPC, registered at Police Station Women Central Faridabad, District Faridabad (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioners.

(AMARJOT BHATTI)
JUDGE

03.02.2025.

Sunil Devi

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No