

CRM-M-64797-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-64797-2024

Date of decision : 04.02.2025

Vishwa Bharti

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vikas Dhoulra, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Abhinav, Advocate for

Ms. Lalita Kashyap, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Vishwa Bharti has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.107 dated 25.06.2021, under Sections 498-A, 323, 406, 377, 506 of IPC, registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.11.2024 (Annexure P-2) as the matter has been amicably settled between the parties.

2. As per the facts of the case, complainant Manisha Sharma filed written complaint against her husband Vishwa Bharti and other members of in-laws family with the allegations of physical, mental harassment, theft, assault and threats to kill her. She alleged that she got married with Vishwa Bharti on 01.03.2002 in Yamuna Nagar. Her parents had spent Rs.5 Lacs on her marriage. Out of this wedlock, she is having two children. She was harassed and illtreated

by her husband and other members of in-laws family. She was working as a contract teacher. She was forced to give her entire salary to her mother-in-law. She was not given money for her needs. Her husband used to withdraw her salary and used it for his family and for consuming liquor. She lived in the matrimonial home to upbringing her children. Her husband withdrew her money and also got the property transferred in his name. He took undue benefit of her simplicity. She has narrated incidents of cruelty which she faced in the matrimonial home from time to time. Matter was also reported to the police. The complainant requested for strict action against her husband and in-laws family.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 20.12.2024, 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, Yamuna Nagar at Jagadhri dated 18.01.2025. 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- Vishwa Bharti also confirmed this fact in his separate statement. Statement of ASI Babita 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, Yamuna Nagar, 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 decided to part ways mutually. 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. 107 dated 25.06.2021, under Sections 498-A, 323, 406, 377, 506 of IPC, registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

04.02.2025.

Sunil Devi

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