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

CRM-M-28014-2024

Date of decision: 03.07.2025

RAKESH GOSAIN AND ANOTHER Petitioners

Versus

STATE OF HARYANA AND ANOTHER Respondents

CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Deepam Raghav, Advocate
for the petitioners.

Mr. Sulinder Kumar, DAG, Punjab.

Ms. Srishti-respondent No.2 in person
(appeared through video conferencing)

AMARJOT BHATTI, J.

1. Petitioners- Rakesh Gosain and Satish Chandra Gosain have filed instant petition under Section 482 Cr.P.C. for quashing of FIR No. 0241 dated 16.04.2015 under Sections 406 and 498-A of IPC, registered at Police Station DLF Qutab Enclave, Gurugram and all other subsequent proceedings arising therefrom, on the basis of settlement/compromise dated 08.11.2023 (Annexure P-4).

2. As per facts of the case, Srishti filed written complaint against her husband Rakesh Gosain alleging that her marriage was performed with him on 23.04.2014. Her parents had given dowry articles as per their capacity. Huge money was spent on various functions. The complainant has given detail of dowry articles consisting of gold ornaments shagun etc. given at the time of marriage. After marriage, she was illtreated in the matrimonial home. She was made to do entire household work. She was



not permitted to go out. Her husband used to illtreat her under the influence of liquor. She has narrated various incidents which took place in the matrimonial home. He compelled her to bring huge cash amount from her parents. She remained mentally disturbed. Finally, the matter was reported to the police and present FIR has been registered.

3. Petitioners filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 29.08.2024, 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 1st Class, Gurugram, dated 10.03.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioners. She confirmed that this compromise has been effected voluntarily, without any coercion or undue influence and she has no objection regarding quashing of FIR.

4. Petitioners- Rakesh Gosain and Satish Chandra Gosain also confirmed this fact in their separate statements. Statement of ASI Manish is also recorded who confirmed that petitioners are not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate 1st Class, Gurugram, 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. Their marriage was also dissolved in a petition filed under Section 13 of Hindu Marriage Act, in which decree has been granted on dated 22.10.2018. Matter has been settled in Rs.23,50,000/-, which were to be paid by the



petitioners to respondent No.2, as per compromise (Annexure P-4). Now, 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. 0241 dated 16.04.2015 under Sections 406 and 498-A of IPC, registered at Police Station DLF Qutab Enclave, Gurugram and all other subsequent proceedings arising therefrom, on the basis of settlement/compromise dated 08.11.2023 (Annexure P-4) are quashed qua petitioners.

8. Pending miscellaneous application, if any, shall also stands disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

03.07.2025.
monika

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