



CRM-M-53760-2024

-1-

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

269

CRM-M-53760-2024

Date of decision : 05.05.2025

Rakesh Sharma

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rohit Choudhary, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Shiv Kumar Rana, Advocate and
Ms. Priya Parmar Rana, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner-Rakesh Sharma filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.660 dated 17.09.2019, registered under Sections 323, 406, 498-A of IPC, at Police Station Gharaunda, District Karnal (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties dated 21.10.2024 (Annexure P-2).

2. As per facts of the case, complainant Poonam Rani filed written complaint against her husband Rakesh Sharma and other members of in-laws family alleging that she got married with Rakesh Sharma on 05.02.2018. Everything remained good for few days and thereafter, accused persons started harassing her for dowry. They were unhappy with the dowry brought by her. She was told that in other proposals, there was offer for a car. She was beaten up and continuously harassed. She was illtreated in the presence of her parents. Her father gave Rs.70,000/- to the accused persons to purchase a motorcycle. Even



CRM-M-53760-2024

-2-

then there was no change in their behaviour. During pregnancy, she was beaten up and was even pressurized to abort the child. She was given pills to abort the child but she threw it away and on this, she was given beatings. On 28.03.2019 when her family came to know about this fight, her brother came to meet her and she was turned out of the house in three clothes. Panchayats were also convened but there was no change in their behaviour. She went to her matrimonial home on her own but she was not permitted to enter the house. She called the police. At the instance of SHO, she lodged a complaint. She was again beaten up, as a result she became unconscious. She was taken to Civil Hospital, Safidon and further referred to PGI but her family brought her to Civil Hospital, Panipat. From there, she was taken to R.M.Anand, Hospital Panipat. After her discharge, she filed this complaint.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 28.02.2025, 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 Additional Chief Judicial Magistrate, Karnal dated 16.04.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected voluntarily and without any coercion and undue influence and she has no objection regarding quashing of FIR.

4. Petitioner- Rakesh Sharma also confirmed this fact in his separate statement. Statement of ASI Raj Kumar is also recorded who confirmed that petitioner is not involved or declared as proclaimed offender in any other criminal case.



CRM-M-53760-2024

-3-

5. Therefore, from the report of Additional Chief Judicial Magistrate, Karnal, 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 by filing joint petition under Section 13-B of Hindu Marriage Act. 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 titled 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.660 dated 17.09.2019, registered under Sections 323, 406, 498-A of IPC, at Police Station Gharaunda, District Karnal (Annexure P-1) and all other consequential proceedings arising therefrom is quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

05.05.2025.

Sunil Devi

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