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

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Date of decision : 27.03.2025

Gopi Kishan Thapar

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Rajesh Nain, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Nikhil K.Vats, Advocate for
respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Gopi Kishan Thapar has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 482 Cr.P.C.) for quashing of FIR No.36 dated 14.03.2023, under Sections 323, 406, 498-A of IPC, 1860 (Section 34 of IPC was deleted later on) registered at Women Police Station Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.09.2024 (Annexure P-2).

2. As per facts of the case, complainant Pooja filed written complaint against her husband Gopi Kishan Thapar and other members of in-laws family with the allegations of maltreatment on account of demand of dowry. Her marriage was solemnized with Gopi Kishan Thapar in the year 2018. After few days of marriage all accused started taunting her for bringing less dowry. They used abusive language for her. Her husband used to beat her under the influence of liquor. She was pressurized to bring money from her parental house. She was



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not allowed to live peacefully in the matrimonial home. There was continuous physical and mental harassment. During this period, she suffered miscarriage. On 03.12.2019, she was pressurized to bring Rs.50,000/- from her parental house but her poor widow mother was not in a position to arrange this huge amount. Thereafter, the matter was reported to the police.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 20.09.2024, 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, Karnal dated 25.11.2024. 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. She also confirmed that she has received Rs.3,00,000/- from petitioner as permanent alimony and she has no objection regarding quashing of FIR.

4. Petitioner- Gopi Kishan Thapar also confirmed this fact in his separate statement. Statement of L/ASI Pushpa is also recorded who confirmed that petitioner is not involved or declared as proclaimed offender in any other criminal case.

5. Therefore, from the report of Judicial Magistrate Ist Class, 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. Matter has been settled in Rs.3,00,000/- which were already paid by petitioner to complainant. Now, they



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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 petitioner is accepted and FIR No.36 dated 14.03.2023, under Sections 323, 406, 498-A of IPC, 1860 (Section 34 of IPC was deleted later on) registered at Women Police Station Karnal, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

27.03.2025.

Sunil Devi

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