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

CRM-M-62085-2024

Date of Decision:- 10.03.2025

HIMANSHU

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Diksha Singla, Advocate for petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana.

Mr. Kapish Singla, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioner Himanshu has filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.174 dated 06.03.2024 under Sections 323, 406, 498-A, 506 of IPC, 1860 registered at Police Station Karnal City, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise effected through divorce petition filed under Section 13-B of HMA, 1955 dated 19.11.2024 (Annexure P-2), which is supported by an affidavit dated 30.11.2024 (Annexure P-3) of respondent No.2/complainant.

2. Facts of case are, complainant Mamta filed written complaint against her husband Himanshu Rai and other members of her in-laws family alleging that their marriage took place on 22.09.2023. Her parents had given dowry articles consisting of gold and silver jewellery, furniture and other



household articles. Immediately after marriage, she was ill-treated in the matrimonial home for bringing semi-automatic washing machine instead of fully automatic washing machine. She was kept hungry in the matrimonial home. She was harassed to bring gold ornaments. She was not permitted to meet her family members. She was told that in case she wanted to go to her parental house then she need not to come back. Complainant has narrated various incidents which took place in the matrimonial home. Ultimately, she filed present complaint on the basis of which present FIR has been registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 11.12.2024, 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 1st Class, Karnal dated 18.02.2025. 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 and she has no objection regarding quashing of FIR.

Learned State counsel filed status report, which is taken on record, subject to just exceptions.

4. Petitioner- Himanshu Rai also confirmed this fact in his separate statement. Statement of L/HC Monika is also recorded who further confirmed that accused is not proclaimed offender in this case.

5. Therefore, from the report of Judicial Magistrate 1st Class,



Karnal it is clear that compromise has been effected between the parties amicably. 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 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 the 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.174 dated 06.03.2024 under Sections 323, 406, 498-A, 506 of IPC, 1860 registered at Police Station Karnal City, District Karnal (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

10.03.2025

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No