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

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Date of decision : 04.08.2025

Ravi Kumar @ Mani

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Ms. Kompal Arora, Advocate for
Ms. Vasundhra Dalal Anand, Advocate for petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. T.P.S.Bawa, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner – Ravi Kumar alias Mani has filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 125 dated 12.12.2024, registered under Section 64, 126(2), 351(1), 351(3) of BNS 2023, at Police Station Balachaur, District SBS Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom, qua the petitioner, on the basis of compromise-cum-affidavit dated 15.01.2025 (Annexure P-2).

2. As per facts of the case, prosecutrix/respondent No.2 'S' gave her statement that she is working as a private teacher in Little Star Model School, Village Nanowal, Bet. She was married to Rajesh Kumar on 05.05.2013. She is having a daughter and a son. Her husband is residing in Australia for the last two years. Ravi Kumar alias Mani lived in their neighborhood and is a married man.



Her mother-in-law Asha Rani used to ask Ravi Kumar alias Mani to bring her medicines and in this connection, he used to visit their house. Said Ravi Kumar alias Mani used to harass her that she should talk to him and forcibly asked her to live with him. He used to enter the house by scaling the wall during odd hours. She tried to make him understand that she was a married lady and disclosed this fact to his wife Tanisha. Ravi Kumar alias Mani took undue advantage and developed forcible physical relations with her for the last about two years. He also stopped her on her way to the school and hit her. He threatened to kill her or he would commit suicide if she refused to talk to him. The complainant alleged that Ravi Kumar alias Mani interfered in her matrimonial life and did not stop despite making him understand. He also took her ATM card of Central Bank. The complainant requested for legal action against the accused. With these allegations, present FIR was registered.

3. Learned counsel for petitioner argued that present FIR was got registered due to anger and misunderstanding. She has realized regarding unnecessary prosecution of the petitioner without any fault on his part. Petitioner is a married man. Now, prosecutrix/respondent No.2 has executed affidavit dated 15.01.2025 (Annexure P-2) confirming that petitioner has not done any wrongful act and the FIR is result of aggression and misunderstanding. Therefore, present petition has been filed seeking quashing of FIR No.125 dated 12.12.2024, registered under Section 64, 126(2), 351(1), 351(3) of BNS 2023, at Police Station Balachaur, District SBS Nagar (Annexure P-1) on the basis of affidavit of prosecutrix/respondent No.2 dated 15.01.2025 (Annexure P-2). It is further pointed out that when the testimony of prosecutrix was recorded in the court as PW-1 (Annexure P-8), she did not support the prosecution case and categorically



stated that she was never harassed by the petitioner, neither he ever forced her to live with him nor he ever committed rape upon her. It is pointed out that continuation of criminal proceedings will be gross misuse of criminal procedure. To support her arguments, learned counsel for petitioner has relied upon the judgment dated 14.07.2025 in lead case “*SLP(Crl.) No.7212 of 2025 titled as Madhukar & Others vs. The State of Maharashtra & Anr. with connected case arising out of SLP(Crl.) No.7495 of 2025 titled as Prabhakar vs. The State of Maharashtra & Anr.*” where appeals preferred by the appellants were allowed and the impugned order of the High Court dated 07.03.2025 was set aside and FIR No.302 of 2023 & FIR No.304 of 2022 along with all proceedings arising therefrom including Sessions Case No.29 of 2024 were quashed.

Learned counsel for petitioner further pointed out that in the case in hand, respondent No.2 has not supported her version which is clear from her statement recorded in the court as PW-1(Annexure P-8) as well as from the affidavit of respondent No.2 (Annexure P-2). The compromise duly signed by the victim and Ravi Kumar @ Mani is Annexure P-7. It was executed and signed by petitioner with the permission of court i.e. order dated 29.01.2025 (Annexure P-6). The petitioner is facing great hardship due to the trial going on in this false and frivolous FIR, hence the present petition.

5. Learned counsel appearing on behalf of respondent No.2/victim has confirmed the aforesaid factual position regarding compromise (Annexure P-7) and affidavit of respondent No.2 (Annexure P-2).

6. Present petition is opposed by learned counsel representing State. Status report has been filed confirming the registration of FIR on the statement of prosecutrix/respondent No.2. Proper investigation was carried out. The



investigating officer during interrogation recovered ATM card of complainant bearing No.3538 0203 7205 0016 of Central Bank of India, valid from 09/2024 to 08/2031. The statement of complainant was recorded under Section 183 of BNSS on 16.12.2024. On 16.12.2024, complainant handed over a pen drive to the investigating officer having recording using derogatory words by the petitioner for prosecutrix/respondent No.2. The challan was presented on completion of investigation on 13.02.2025. After framing of charge sheet, prosecution evidence is being recorded. It is argued that there are specific serious allegations against the petitioner. The offence is non-compoundable. Considering the gravity of offence, petition filed by the petitioner may kindly be dismissed.

7. I have considered the aforesaid factual position. For quashing of criminal proceedings for non-compoundable offence under Section 320 Cr.P.C. can be exercised having overwhelming and predominantly dispute of civil nature, particularly arising out of commercial transaction or arising out of matrimonial dispute relationship or family dispute where parties have resolved the entire dispute amongst themselves. Facts and circumstances of each case has to be taken into account carefully.

The contents of FIR as referred above clearly indicates that prosecutrix/respondent No.2 is an educated lady working as a teacher in a private school. She has levelled specific serious allegations against the petitioner/accused-Ravi Kumar alias Mani regarding continuous harassment and developing forcible physical relations with her for the last about two years. The prosecutrix/respondent No.2 claimed that petitioner/accused used to enter her house during odd hours and developed physical relations with her. She was stopped on her way to school and even threatened to kill her or to commit suicide

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in case, she refused to talk to him. She further claimed that her ATM card was taken by him.

8. The status report indicates that investigation was carried out. The complainant reiterated her version when her statement was recorded under Section 183 of BNSS before the Magistrate. ATM card of complainant was also recovered and after completion of entire investigation, the challan was presented in the court. The prosecutrix/respondent No.2 has now filed affidavit dated 15.01.2025 (Annexure P-2) alleging that FIR was got registered due to anger and misunderstanding. Later compromise Annexure P-7 was also placed on record. Trial in this case is under progress. As per the record, statement of prosecutrix has been recorded on 21.05.2025 as PW-1 (Annexure P-8) where she resiled from her previous statement. Once the trial has started, it is for the trial court to appreciate the facts and the evidence on record. Allegations are specific and serious in nature. Petition seeking quashing of FIR on the basis of compromise cannot be entertained merely on the ground that the witness has resiled from her previous statement. Filing a complaint, levelling allegations of rape is a serious matter, on the basis of which present FIR has been registered. Case is required to be decided on merits.

9. Considering the aforesaid facts and circumstances of the case, I do not find it appropriate to quash the FIR on the basis of affidavit (Annexure P-2) or compromise (Annexure P-7) when the trial has already commenced. Therefore, the present petition seeking quashing of FIR No. 125 dated 12.12.2024, registered under Section 64, 126(2), 351(1), 351(3) of BNS 2023, at Police Station Balachaur, District SBS Nagar (Annexure P-1) and subsequent proceedings arising therefrom, qua the petitioner is accordingly declined.



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10. It is made clear that aforesaid observation will have no bearing on the merits of the case.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

04.08.2025.

Sunil Devi

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