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

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Date of decision : 24.04.2025

Kuldeep

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Lajpat Rai Sharma, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Lalit Pardhan, Advocate for
respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Kuldeep has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.470 dated 06.11.2023, under Sections 323, 34, 377, 406, 498-A, 506 of IPC, 1860 (challan has been presented under Sections 323, 406, 498-A, 506 of IPC), registered at Police Station Israna, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.11.2024 (Annexure P-2).

2. As per facts of the case, complainant Annu filed written complaint against her husband Kuldeep and other members of in-laws family. She alleged that her marriage was solemnized with Kuldeep on 07.04.2019 at village Gautali, District Jind. Before marriage she was raped and this fact was disclosed to her husband. They had agreed for the marriage and her maternal uncle had spent Rs.10 Lacs on her marriage and given dowry beyond his capacity. After 10 days of marriage, the harassment started. They were unhappy with the motorcycle



given in dowry and started raising demand for a car. Other family members of her husband were also unhappy with the dowry article. Her husband told her to have a chat with the said rapist and said that he will take legal action against him. It was alleged that they had agreed to perform marriage for the greed of dowry. There was constant ill-treatment in the matrimonial home. She has narrated one incident of 03.05.2019 when a girl entered their room and she was introduced by her husband as a maid from Haryana. Her husband took away all her jewellery and she was left at her maternal uncle's house on 04.05.2019. Thereafter, there was Pandemic Covid-19. She was again black-mailed by the said rapist. Her husband took advantage of this opportunity and filed a divorce case by creating a false and fabricated story. 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 17.12.2024, petitioner and respondent No.2 were directed to appear before the trial Court/Illaqa 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, Panipat dated 12.03.2025. 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 out of free will and she has no objection regarding quashing of FIR.

4. Petitioner- Kuldeep also confirmed this fact in his separate statement. Statement of ASI Sudesh 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, Panipat, it is clear that compromise has been effected between the parties without any



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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.13,50,000/- which has already been received by her. 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 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.470 dated 06.11.2023, under Sections 323, 34, 377, 406, 498-A, 506 of IPC, 1860 (challan has been presented under Sections 323, 406, 498-A, 506 of IPC), registered at Police Station Israna, District Panipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

24.04.2025.

Sunil Devi

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