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

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Date of decision : 01.05.2025

Mohammad Musharrat @ Rahul

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Shantanu Bansal, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Yugank Goyal, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner-Mohammad Musharrat @ Rahul has filed this petition under Section 482 of Cr.P.C. for quashing of FIR No.0639 dated 18.12.2021, registered under Sections 323, 406, 498-A, 506 of IPC, at Police Station Ambala Cantt., District Ambala (Annexure P-1) and all subsequent proceedings, on the basis of compromise effected between the parties dated 18.12.2024 (Annexure P-2).

2. As per facts of the case, complainant Salma filed written complaint against her husband Mohammad Musharrat @ Rahul, mother-in-law Bano and sister-in-law Ishrat regarding demand of dowry and harassment. The complainant alleged that due to the atrocities in the matrimonial home, she has started residing in her parental house. She got married with Mohammad Musharrat @ Rahul on 16.11.2019 at Roorkee City according to Muslim Rites and Rituals. Her husband was teacher by profession and also provided services as Cricket Coach. She lived in the joint family. At the time of marriage, her



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parents had given dowry items and jewellery to her husband and in-laws family but they were unhappy with the dowry articles. On account of their illegal demand, she was harassed in the matrimonial home. The complainant has narrated various incidents which took place in the matrimonial home. Her husband did not cooperate with her. She is residing with her parents under compelled circumstances. All her dowry articles have been misappropriated. With these allegations, present FIR has been registered.

3. Petitioner filed this petition for quashing of aforesaid FIR on the basis of compromise. Vide order dated 13.01.2025, 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 Judicial Magistrate Ist Class, Ambala dated 31.01.2025. 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- Mohammad Musharrat @ Rahul also confirmed this fact in his separate statement. Statement of SI Usha 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, Ambala, 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 Muslim Marriage Act, 1939. Matter has been settled in



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Rs.4,00,000/- out of which Rs.2,00,000/- were to be paid by petitioner to complainant at the time when parties appear in petition under Section 125 Cr.P.C. and balance amount of Rs.2,00,000/- will be paid at the time of recording of their statements in mutual divorce petition. 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 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.0639 dated 18.12.2021, registered under Sections 323, 406, 498-A, 506 of IPC, at Police Station Ambala Cantt., District Ambala (Annexure P-1) and all subsequent proceedings are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

01.05.2025.

Sunil Devi

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