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

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Date of decision : 27.03.2025

Karnesh @ Karnesh Phalswal

..... Petitioner

V/S

State of Haryana and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Ms. Pallavi Babbar, Advocate for petitioner.

Ms. Nidhi Garg, AAG, Haryana.

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

AMARJOT BHATTI J. (ORAL)

1. Petitioner- Karnesh alias Karnesh Phalswal has filed instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.0086 dated 21.10.2020, under Sections 313, 323, 34, 354-A, 406, 498-A, 506 of IPC, 1860, registered at Women Police Station Gurgaon, District Gurugram (Annexure P-1) (during investigation vide challan dated 02.12.2020 Section 313, 354-A, 34 of IPC were deleted) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.11.2024 (Annexure P-3).

2. As per facts of the case, complainant Mandvi Singh gave her statement that she got married with Karnesh alias Karnesh Phalswal as per Hindu Rites on 20.07.2018. On the very first night, he came drunk and started beating her. She complained to her in-laws who did not listen to her. Her father-in-law started misbehaving with her and she saved her honour by coming out of the room. The complainant has narrated another incident when her husband called



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his younger brother Yogesh Phalswal in the room and locked them inside and he himself went away. Her husband was having extra marital affair. During this period, she conceived and even then, she was beaten up. When she suffered medical problem, she was taken to the hospital and forcible abortion was done. The complainant has narrated various incidents when her husband called other girls in the house. She was time and again threatened. Finally, 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 03.02.2025, 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, Gurugram dated 17.03.2025. Statement of respondent No.2 has been recorded where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected voluntarily, without any coercion or undue influence and she has no objection regarding quashing of FIR.

4. Petitioner- Karnesh alias Karnesh Phalswal also confirmed this fact in his separate statement. Statement of L/ASI Manju 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, Gurugram, 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



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been settled in Rs.5,00,000/- out of which Rs.2,50,000/- were already paid by petitioner to complainant at the time of recording of first motion statements and balance amount of Rs.2,50,000/- will be paid at the time of recording of second motion statements. 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.0086 dated 21.10.2020, under Sections 313, 323, 34, 354-A, 406, 498-A, 506 of IPC, 1860, registered at Women Police Station Gurgaon, District Gurugram (Annexure P-1) (during investigation vide challan dated 02.12.2020 Section 313, 354-A, 34 of IPC were deleted) and all subsequent proceedings arising therefrom are quashed qua petitioner.

(AMARJOT BHATTI)
JUDGE

27.03.2025.

Sunil Devi

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