

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Manisha Batra, J.)

MEENU SHARMA AND OTHERS

Vs.

STATE OF PUNJAB AND ANOTHER

Criminal Miscellaneous (M) No 54235 of 2021 (O&M)

Decided on : 23-07-2026

Criminal Procedure Code, 1973 — Section 482 — Compromise substantially acted upon — Complainant resiling from verification — Effect — Parties settled matrimonial dispute, divorce obtained by mutual consent, S. 125 CrPC petition withdrawn pursuant to compromise, but complainant repeatedly failed to appear for verification of compromise — Held, once a party has derived benefits under a compromise, he cannot resile and continue criminal proceedings merely to harass the other side; such conduct amounts to abuse of process — FIR and consequential proceedings quashed despite absence of formal verification, compromise having been substantially implemented. [Paras 9, 12]

JUDGMENT

Manisha Batra, J.-Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.143 dated 04.09.2018 registered under Sections 420 and 120-B IPC at Police Station City Kotkapura, District Faridkot, the final report submitted under Section 173 Cr.P.C. and all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

2. As per the allegations contained in the FIR, complainant Tejinder Joshi stated that his marriage with petitioner No.1-Meenu Sharma was solemnized on 25.02.2016. After the marriage, disputes arose between the spouses. The complainant alleged that petitioner No.1 and her family members had concealed material facts, indulged in deceitful conduct and were involved in blackmailing. It was further alleged that petitioner No.2-Rajiv Sharma borrowed a sum of ₹1,00,000/- from the complainant on the pretext of financial need and failed to return the same. The complainant also alleged that petitioner No.1 left the matrimonial home after taking her jewellery and other articles and thereafter refused to return despite efforts made through the Panchayat. On these allegations, the present FIR came to be registered against the petitioners for offences punishable under Sections 420 and 120-B IPC.

3. On a perusal of the record, it is revealed that this is the third petition filed by the petitioners. The first petition bearing number CRM-M-24462-2019 was dismissed as withdrawn on 27.05.2019 being premature. Then the petitioners filed another petition seeking quashing of the FIR on merits i.e. CRM-M-37428-2019, which was initially ordered to be listed along with the present petition. However, the same is now fixed for 11.09.2026. Thereafter, the present petition continued to be adjourned from time to time to be heard with the connected matter.

4. Subsequently, upon the parties informing this Court that they had amicably settled their dispute, vide order dated 05.07.2024, the parties were directed to appear before the Illaqa Magistrate for recording their statements regarding the compromise and for submission of a report regarding its genuineness. The Judicial Magistrate, however, reported that despite several opportunities, the parties did not appear before the trial Court and, therefore, their statements regarding the compromise could not be recorded. Thereafter, on a joint request made on behalf of both sides, this Court granted one more opportunity vide order dated 25.05.2026 and again directed the parties to appear before the Illaqa Magistrate for verification of the compromise. However, the respondent No. 2 did not appear before the Magistrate concerned for recording of his statement.

5. Learned counsel for the petitioners submits that the dispute arose out of a matrimonial discord between petitioner No.1 and respondent No.2. They had amicably resolved all their disputes, subsequent to which, their marriage had been dissolved with mutual consent by procuring a decree of divorce under Section 13-B of the Hindu Marriage Act. As per the terms and conditions of the compromise, petitioner No. 1 had even withdrawn the petition filed by her under Section 125 of Cr.P.C. It is further submitted that the petitioners have complied with all the terms and conditions of the said compromise. However, respondent No.2 is now not coming forward to make a statement in support of the compromise so that the present FIR can be quashed on that basis. He is intentionally harassing the petitioners. It is well settled proposition of law that once a party has acted upon the compromise and derived benefits therefrom, such party cannot subsequently back out and continue criminal proceedings only to harass the opposite side. Hence, it is urged that the petition deserves to be allowed and the impugned FIR along with all the subsequent proceeding having emanated therefrom are liable to be quashed.

6. Learned State counsel has not disputed the factual positions.

7. There is no representation on behalf of respondent No. 2.

8. This Court has heard the submissions made by learned counsel for the petitioners as well as learned State counsel.

9. It is evident from the record that the dispute between the parties had its genesis in matrimonial discord between petitioner No.1 and respondent No.2. It is not disputed that during the pendency of the proceedings, the parties entered into a settlement, pursuant to which their marriage already stands dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The petitioners have placed on record that petitioner No.1 has withdrawn the proceedings initiated by her under Section 125 Cr.P.C. in terms of the settlement and the other agreed conditions have also been acted upon. Thus, the compromise was not merely an oral understanding

but had been substantially implemented by the parties. The only impediment in the way of quashing the present FIR is that respondent No.2 has failed to appear before the Illaqa Magistrate for making his statement despite repeated opportunities granted by this Court. In these circumstances, the conduct of respondent No.2 assumes significance. Having derived the benefit of the settlement, including dissolution of marriage by mutual consent and withdrawal of proceedings instituted against him, respondent No.2 cannot be permitted to frustrate the very compromise by deliberately abstaining from the verification proceedings and continue with the criminal prosecution. Such conduct is neither fair nor equitable and cannot be allowed to defeat the settlement which has already been substantially acted upon by the parties. The continuance of the present criminal proceedings, despite the settlement having been implemented in material particulars, would serve no useful purpose and would only result in unnecessary harassment to the petitioners.

10. At this stage, it would be apposite to refer to the judgment of the Hon'ble Supreme Court in **Ruchi Agarwal v. Amit Kumar Agrawal and others, (2005) 3 Supreme Court Cases 299**, wherein it was held that once a party has acted upon the compromise and derived benefits therefrom, such party cannot subsequently back out and continue criminal proceedings only to harass the opposite side. The Hon'ble Supreme Court further observed that continuation of criminal proceedings in such circumstances would amount to misuse of the process of the Court. Reliance can also be placed upon the judgment of the Hon'ble Supreme Court in **Mohd. Shamim and others v. Smt. Nahid Begum and another, AIR 2005 SC 757**, wherein while relying upon **Ruchi Agarwal's case** (supra), it was held that once the complainant had entered into a settlement and accepted the benefits flowing therefrom, continuation of criminal proceedings would be nothing but abuse of the process of law.

11. Reliance can also be placed upon the judgment of this Court rendered in **Ram Lal and others v. State of Haryana and another, 2008(2) RCR (Criminal) 823**, wherein while relying upon the aforesaid judgments of the Hon'ble Supreme Court, it was held that where the parties had entered into a compromise and the complainant had received the settled amount but later backed out from the settlement, continuation of criminal proceedings would amount to abuse of the process of Court and the FIR was liable to be quashed. Similarly, this Court in **Nishan Singh v. State of Punjab and another, CRM-M-36879 of 2016** decided on 10.08.2018, has held that where the complainant had admitted the compromise and accepted the agreed amount but subsequently failed to support the compromise, the pendency of criminal proceedings would amount to abuse of process of law and the FIR deserved to be quashed. Similar view has been taken by this Court in **Sandip Somany v. State of Haryana and another, CRM-M-8431 of 2014** decided on 23.02.2016, wherein despite allegations under Sections 406, 420, 467, 468, 471 and 120-B IPC, the FIR was quashed after noticing that the complainant had already received the entire settled amount under the Memorandum of Understanding and thereafter attempted to resile from the compromise.

12. In the present case also, respondent No.2 has derived the benefits of the said compromise but is not coming forward to make a statement in support of the compromise, despite seeking opportunities for the said purpose, which shows that his

intentions are mala fide. Once respondent No.2 had derived benefits under the compromise, he cannot be permitted to step back from the same. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that continuation of the present FIR and consequential proceedings would amount to sheer abuse of the process of law and would not serve any useful purpose. Hence, in view of the discussion made above as well as in view of the ratio of law laid down in the aforesaid authorities, this Court deems it a fit case for exercising inherent powers. Accordingly, in order to secure the ends of justice and to prevent abuse of the process of law, the present petition is allowed and FIR No.143 dated 04.09.2018 registered under Sections 420 and 120-B IPC at Police Station City Kotkapura, District Faridkot, including challan report and all consequential proceedings arising therefrom are hereby quashed qua the petitioners.