

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

Sr. No.254

CRM M-12776 of 2017

Date of decision: 29.1.2018

Harmesh Kaur and others

... Petitioners

Vs.

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Ms. Anju Arora, Addl. A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

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On the basis of the matter having been compromised, the petitioners have filed the present petition under Section 482 Cr.P.C. seeking quashing of FIR No. 37 dated 8.4.2016 under Sections 406 and 498-A IPC registered at Police Station Women Cell, Jalandhar alongwith all consequential proceedings arising therefrom.

On December 15, 2017, this Court had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate on 22.12.2017 for recording their statements with regard to the compromise. The Illaqa Magistrate was further directed to submit a report on the basis of statements of the parties, if any, with regard to the genuineness of the compromise and whether any other case or PO proceedings are pending against either of the parties.

As directed, report dated 25.1.2018 has been submitted

by the Judicial Magistrate 1st Class, Jalandhar, as per which, the parties got their statements recorded in support of compromise having been entered between them. It is further been opined therein that the compromise arrived at between the parties is valid and genuine as also that none of the accused have been declared as proclaimed offender.

Learned State counsel has also no objection if the present petition, as prayed is allowed.

In view of the above, continuation of the proceedings in pursuance of the impugned FIR which arises from a matrimonial dispute where the investigation is at the initial stage and matter having been compromised would be an abuse of process of law and, therefore, in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Haryana and others, 2007 (3) RCR (Criminal)*, this Court deem it just and proper to allow the petition.

Resultantly, the present petition is allowed. FIR No. 37 dated 8.4.2016 registered under Sections 406 and 498-A IPC at Police Station Women Cell, Jalandhar and all the subsequent proceedings arising therefrom are hereby quashed.

(DEEPAK SIBAL)
JUDGE

29.1.2018
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