

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

**CRM-M-23615-2017
Date of decision: 20.02.2018**

Kamaljeet Kaur and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vaibhav Sehgal, Advocate,
for the petitioners.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 482 Cr.P.C. for quashing of impinged order dated 30.05.2017 passed by Sub Divisional Judicial Magistrate, Kharar in Criminal Case bearing FIR No. 185 dated 19.07.2010, under Sections 406, 498-A IPC, registered at Police Station Kharar, District S.A.S. Nagar (Mohali).

In brief, the facts are that on the basis of a complaint FIR No. 185 dated 19.07.2010, under Sections 406, 498-A IPC, was got registered at Police Station Kharar, District S.A.S. Nagar (Mohali) by Sukhjeet Kaur against her husband Amarjit Singh and his family members. With the intervention of the respectables a compromise was arrived at between the parties and the matrimonial dispute was settled. The petitioner approached this Court for quashing of the said FIR by way of filing a petition i.e. **CRM-M-15287-2013** and after taking into account the factum of compromise the trial Court was directed to record the statement of the parties with regard to the genuineness of the compromise and to submit its report. On receipt of the report, the High Court quashed the impugned

FIR by an order dated 18.09.2014 (Annexure P-2). While disposing of the **CRM-M-15287-2013** it was categorically stated that further proceedings pursuant to the FIR also stand quashed. However, despite the fact that the proceedings under the FIR stands quashed, Sub Divisional Judicial Magistrate, Kharar has issued fresh proclamation to secure the presence of Kamaljit Kaur and Inderjit Kaur. Aggrieved, the instant petition has been filed.

Learned counsel for the petitioner contends that once the proceedings under the FIR stands compromised and the High Court had quashed the proceedings in **CRM-M-15287-2013** any orders passed under the said FIR are nonest and not sustainable.

I have heard learned counsel for the parties and find that the trial Court has erred in proceeding under the FIR once the proceedings have been quashed by this Court. The petition is allowed. The impugned order dated 30.05.2017 is hereby set aside.

Petition stands disposed of accordingly.

20.02.2018*Satyawan***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.