

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 110

CRM-M-47706-2017

Decided on : 29.01.2018

Pargat Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kamal Chaudhary, Advocate, for the petitioners.

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

DEEPAK SIBAL, J. (ORAL)

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.97, dated 17.09.2015, registered under Sections 506 and 498-A IPC, at Women Police Station, Patiala, alongwith all subsequent proceedings arising therefrom.

On 14.12.2017, while issuing notice of motion, this Court had directed the parties to appear before the Trial Court/Illaqa Magistrate on 09.01.2018 for recording of the statements of the petitioners as also the complainant with regard to compromise. The Trial Court/Illaqa Magistrate was directed to submit a report alongwith the recorded statements on or before the next date of hearing containing therein the following information: -

- “1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.”

As directed, a report dated 10.01.2018 by the Judicial Magistrate

Ist Class, Patiala has been received as per which the parties got their statements recorded before the Trial Court and supported the compromise arrived at

between them. The report further goes on to opine that the compromise arrived at between the parties is genuine and none of the accused has been declared as proclaimed offender.

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

In view of the above, continuation of the proceedings in pursuance to the impugned FIR which pertain to a matrimonial dispute between the parties where the trial is at the initial stage and the matter having been compromised, would be an abuse of the process of law and therefore, in terms of the law laid down by the Full Bench of this Court in “*Kulwinder Singh and others versus State of Haryana and others*”, 2007(3) RCR (Criminal) 1052, this Court is of the opinion that the present petition deserves to be allowed.

Resultantly, the present petition is allowed, FIR No.97, dated 17.09.2015, registered under Sections 506 and 498-A IPC, at Women Police Station, Patiala, and all the subsequent proceedings arising therefrom are hereby quashed.

29.01.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No