

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 111

CRM-M-47708-2017

Decided on : 29.01.2018

Suresh @ Sonu and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.Pradeep Prakash Chahar, DAG, Haryana.

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.311, dated 10.04.2017, registered under Sections 3 and 4 of the Dowry Prohibition Act, 1961 and Sections 120-B, 323, 406, 498-A and 506 IPC, at Police Station Ballabhgarh City, District Faridabad, 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/Illaq Magistrate for recording their statements with regard to compromise. The Trial Court/Illaq Magistrate was directed to submit a report 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, Faridabad has been received in which it has been opined that after recording of a joint statement of the complainant as also the accused persons the

Magistrate was of the opinion that the compromise arrived at between the parties was genuine. It has further been opined that no accused has been declared as proclaimed offender.

Learned State counsel has filed reply by way of an affidavit of Mr.Aman Yadav, HPS, Assistant Commissioner of Police, City Ballabhgarh, Faridabad, which is ordered to be taken on record. As per the affidavit, the police investigated the matter and in view of the compromise having been arrived at between the parties, has filed an untrace report. It is further submitted that the impugned FIR is the result of a matrimonial dispute; the matter has been genuinely compromised between the parties and that the State has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance to the impugned FIR which arise from a matrimonial dispute and has 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.311, dated 10.04.2017, registered under Sections 3 and 4 of the Dowry Prohibition Act, 1961 and Sections 120-B, 323, 406, 498-A and 506 IPC, at Police Station Ballabhgarh City, District Faridabad, and all the subsequent proceedings arising therefrom are hereby quashed.

29.01.2018
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[DEEPAK SIBAL]
JUDGE

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