

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.230

CRM-M-24484-2020

Date of decision: 17.11.2020

Mitesh Sondhi

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Naveen Batra, Advocate, for the petitioner.

Mr.H.S.Sitta, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.115 dated 08.12.2019 registered under Sections 406 and 498-A IPC at Police Station Anandpur Sahib, district Rupnagar on the basis of a compromise dated 27.01.2020 (Annexure P-3) entered into between the parties.

On 12.10.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 21.10.2020 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise between the parties as also to apprise this Court whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 21.10.2020 from the Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, has been received, as per which the parties had recorded their statements before the Trial Court in terms of the

compromise arrived at between them; no proclamation proceedings are pending against the petitioner; only he is arrayed as accused in this case and that no other criminal case is pending against him.

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

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR which arises from a matrimonial dispute between the parties and where the investigation is at the initial stage as also the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.115 dated 08.12.2019 registered under Sections 406 and 498-A IPC at Police Station Anandpur Sahib, district Rupnagar and all proceedings arising therefrom qua the petitioner.

17.11.2020

shamsher

[DEEPAK SIBAL]

JUDGE

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