IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.230

CRM-M-30810-2020
Date of decision: 26.10.2020

Usha Rani and another ....Petitioners

versus

State of Punjab and another ....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dinesh Nagar, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Ms. Vibha, Advocate
for respondent No.2.

* * *

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.0081 dated 23.04.2019, registered under Sections 406 and 498-A IPC, at Police Station Women, Police Commissionerate Ludhiana and all subsequent proceedings arising out of it on the basis of the compromise(Annexure P-3).

On 01.10.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 12.10.2020 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties as also to apprise this Court whether the accused were ever declared as proclaimed

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offenders and if is there any other case pending against them.

As directed, report dated 12.10.2020 from the Judicial Magistrate Ist Class, Ludhiana 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 other case is pending against the petitioners and also no proclamation proceedings are pending against them.

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 pertains a matrimonial dispute where the trial is at the initial stage and 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, I deem it just and proper to allow the petition and resultantly quash the FIR No.0081 dated 23.04.2019, registered under Sections 406 and 498-A IPC, at Police Station Women, Police Commissionerate Ludhiana and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

October 26, 2020
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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