

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

Sr. No.233

CRM-M-30831-2020

Date of decision: 16.11.2020

Amit Kumar and others

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Atul Goyal, Advocate
for the petitioners.

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

Mr. A.K. Garg, Advocate
for respondent No.2.

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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 complaint bearing No.COMI/714/2018 dated 09.10.2018 under Sections 406, 498-A, 420, 341, 506 and 120-B IPC titled “Bharti Marjara v. Amit Kumar and others” pending in the Court of JMIC, Ludhiana and the order of summoning dated 05.01.2019 on the strength of a written compromise dated 10.07.2020 (Annexure P-3).

On 01.10.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 23.10.2020 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 offenders and if is there any other case pending against them.

As directed, report dated 23.10.2020 from the Civil Judge (Jr. Division)-cum-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 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 complaint bearing No.COMI/714/2018 dated 09.10.2018 under Sections 406, 498-A, 420, 341, 506 and 120-B IPC titled “Bharti Marjara v. Amit Kumar and others” pending in the Court of JMIC, Ludhiana; the order of summoning dated 05.01.2019 and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

November 16, 2020

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No