

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 231

CRM-M-30827-2020

Date of decision : 08.12.2020

Ratnesh Tiwari

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Deepam Raghav, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

None 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.61 dated 20.02.2020 registered under Sections 354, 406 and 420 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 at Police Station Sector-14, Gurugram, on the basis of a compromise dated 09.03.2020 (Annexure P-2) entered into between the parties.

On 01.10.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 02.11.2020 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 26.11.2020 from the D/Judicial Magistrate Ist Class, Gurugram 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, where both parties have now remarried 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, this Court deems it just and proper to allow the petition and resultantly quash FIR No.61 dated 20.02.2020 registered under Sections 354, 406 and 420 IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 at Police Station Sector-14, Gurugram and all proceedings arising therefrom qua the petitioner.

08.12.2020

shamsher

[DEEPAK SIBAL]
JUDGE

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