

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

Sr. No.237

CRM-M-35602-2020

Date of decision: 16.12.2020

Neekhil Bhardwaj and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Anshul Jindal, 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 FIR No.02 dated 29.1.2019 registered under Sections 406 and 498-A IPC, 1860 at Police Station Women, District SAS Nagar and all subsequent proceedings arising therefrom on the basis of the compromise dated 27.09.2020 (Annexure P-2).

On 03.11.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 05.11.2020 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 the name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective

statements in support of the compromise so effected between them and the stage of trial/proceedings.

As directed, report dated 06.11.2020 from the Judicial Magistrate, Ist Class, SAS Nagar, Mohali 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; the name of the complainant and all accused arrayed in the FIR have appeared and made their respective statements in support of the compromise so effected between them and the stage; no proclamation proceedings are pending against them and the challan has been presented.

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 in which the matrimonial dispute between the parties; trial is yet to begin 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 the FIR No.02 dated 29.1.2019 registered under Sections 406 and 498-A IPC, 1860 at Police Station Women, District SAS Nagar and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

December 16, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No