

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

(Sr. No. 238)

CRM-M No. 33565 of 2020

Date of decision : 24.03.2021

Divya Malhotra and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Manoj Kumar Pundir, Advocate for the petitioners.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Ms. Savita Rana, Advocate for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 185 dated 29.08.2020 under Sections 406, 420, 120-B IPC (Section 409 IPC added later on) registered at Police Station Bilaspur, district Yamuna Nagar on the basis of a compromise dated 08.09.2020 (Annexure P-2) entered into between the parties.

On 29.01.2021 this Court had directed the parties to appear before the Illaqa Magistrate/trial Court on 08.02.2021 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 09.02.2021 from the Sub Divisional Judicial Magistrate, Bilaspur 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 and that no proclamation proceedings/criminal cases are pending against the petitioners.

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 offences are compoundable and where the trial is at the initial stage and 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. 185 dated 29.08.2020 under Sections 406, 420, 120-B IPC (Section 409 IPC added later on) registered at Police Station Bilaspur, district Yamuna Nagar and all proceedings arising therefrom qua the petitioners.

24.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No