

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

Sr. No.231

CRM-M-39173-2020

Date of decision: 27.01.2021

Ankit Agarwal

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Kunal Dawar, 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.30 dated 18.02.2019 registered under Sections 34, 406, 498-A IPC, at Police Station Women Police Station, Gurgaon, District Gurugram and final report under Section 173 Cr.P.C. dated 21.04.2019 under Sections 406 and 498-A IPC and all resultant proceedings pending in the Court of JMIC, Gurugram on the strength of a written compromise dated 09.11.2020 (Annexure P-3) entered into between the parties.

On 26.11.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 04.12.2020 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 there is any other case pending against them.

As directed, report dated 21.12.2020 from the Judicial Magistrate First 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 other case is pending against the petitioner and also no proclamation proceedings are 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 pertains to a matrimonial dispute between the parties; 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, this Court deems it just and proper to allow the petition and resultantly quash the FIR No.30 dated 18.02.2019 registered under Sections 34, 406, 498-A IPC, at Police Station Women Police Station, Gurgaon, District Gurugram and final report under Section 173 Cr.P.C. dated 21.04.2019 under Sections 406 and 498-A IPC and all resultant proceedings pending in the Court of JMFC, Gurugram, qua the petitioner.

(DEEPAK SIBAL)
JUDGE

January 27, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No