

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 273

CRM-M-1575-2020

Date of decision : 08.08.2022

Mohan Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.34 dated 04.04.2019 registered under Sections 406, 498-A and 494 IPC at Police Station Dera Baba Nanak, Police District Batala, Gurdaspur on the basis of a written compromise dated 24.12.2019 (Annexure P-2) entered into between the parties.

On 15.01.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court 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 number of persons arrayed as accused; whether any of them is proclaimed offender; stage of trial/proceedings and whether compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 04.03.2020 from the Judicial Magistrate Ist Class, Batala 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; only the petitioner has been arrayed as accused; he has not been declared a proclaimed offender and that the compromise is genuine.

Learned State counsel has 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 as 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 Supreme Court in *Narinder Singh vs State of Punjab* (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash FIR No.34 dated 04.04.2019 registered under Sections 406, 498-A and 494 IPC at Police Station Dera Baba Nanak, Police District Batala, Gurdaspur and all proceedings arising therefrom qua the petitioner.

08.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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