

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 263

CRM-M-1346-2022

Date of decision : 05.05.2022

Rahul Baweja and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioners.

Mr.Anmol Malik, DAG, Haryana.

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.0135 dated 26.03.2019 registered under Sections 354-A, 406 and 498-A IPC at Police Station Sanjay Gandhi Memorial Nagar, Faridabad on the basis of a compromise dated 20.12.2021 (Annexure P-2) entered into between the parties.

On 02.02.2022 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 name of the complainant and all accused arrayed in FIR; whether all of them have appeared and made their respective statements in support of the compromise; whether any of the accused has been declared a proclaimed offender; the stage of trial/proceedings; if the compromise is genuine, voluntarily and out of free will.

As directed, report dated 28.03.2022 from the Judicial Magistrate Ist Class, Faridabad 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 complainant's name is Payal Sahi (respondent No.2); only the petitioners are arrayed as accused; all of them appeared before the Trial Court and made their respective statements; none of them has been declared proclaimed offender; the case has been fixed for recording prosecution's evidence and that the compromise has been effected with the free will and full senses of the parties.

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 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.0135 dated 26.03.2019 registered under Sections 354-A, 406 and 498-A IPC at Police Station Sanjay Gandhi Memorial Nagar, Faridabad and all proceedings arising therefrom qua the petitioners.

05.05.2022
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[DEEPAK SIBAL]
JUDGE

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