

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-2077-2020

Date of decision : 15.03.2022

Mohinder Kaur and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

None for respondents No.2 to 4.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.128 dated 19.05.2017 registered under Sections 498-A and 406 IPC at Police Station Sultanpur Lodhi, District Kapurthala on the basis of a compromise (Annexure P-2) entered into between the parties.

On 17.01.2020 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 factum of the compromise between the parties as also to apprise this Court 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; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings and if the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

As directed, report dated 24.02.2020 from the Sub Divisional Judicial Magistrate, Sultanpur Lodhi 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; respondent No.2 is the complainant and the petitioners are arrayed accused, who have not been declared as proclaimed offenders; the matter is pending for prosecution evidence and that the compromise is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

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 arises from a matrimonial dispute between the parties and where the trial is at its 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 FIR No.128 dated 19.05.2017 registered under Sections 498-A and 406 IPC at Police Station Sultanpur Lodhi, District Kapurthala and all proceedings arising therefrom qua the petitioners.

15.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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