

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 257

CRM-M-3186-2021

Date of decision : 05.05.2022

Nitin Garg

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vipul Sherwal, Advocate, for
Mr.Nitish Bhatia, Advocate, 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.0386 dated 20.12.2020 registered under Sections 406 and 498-A IPC at Police Station Dera Bassi, District SAS Nagar on the basis of a compromise dated 11.01.2021 (Annexure P-2) entered into between the parties.

On 25.01.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate 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 apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender.

As directed, report dated 05.03.2021 from the Sub Divisional Judicial Magistrate, Dera Bassi 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 same is genuine and has been arrived at voluntarily and without any pressure; only the petitioner is arrayed as accused who has not been declared a proclaimed offender.

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.0386 dated 20.12.2020 registered under Sections 406 and 498-A IPC at Police Station Dera Bassi, District SAS Nagar and all proceedings arising therefrom qua the petitioner.

05.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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