

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 264

CRM-M-4253-2022

Date of decision : 09.05.2022

Jaspreet Singh Somal and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.A.K.Sagar, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.L.S.Mann, Advocate, 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.52 dated 16.09.2021 registered under Sections 406 and 498-A IPC at Police Station NRI, SAS Nagar (Mohali) on the basis of a compromise dated 17.11.2021 (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 the FIR; whether all of them have appeared and made their respective statements in support of the compromise; whether any accused has been declared proclaimed offender; the stage of trial/proceedings and whether the compromise is genuine, voluntarily and out of free will of the parties.

As directed, report dated 30.03.2022 from the Judicial Magistrate, Ist Class, SAS Nagar 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, only the petitioners are arrayed as accused; all of them have appeared before the Trial Court and made their respective statements in support of the compromise; none of them have been declared proclaimed offender; challan has not been presented and that the parties have arrived at a compromise with their free consent, voluntarily and genuinely.

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 a 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.52 dated 16.09.2021 registered under Sections 406 and 498-A IPC at Police Station NRI, SAS Nagar (Mohali) and all proceedings arising therefrom qua the petitioners.

09.05.2022

shamsher

[DEEPAK SIBAL]
JUDGE

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