

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 263

CRM-M-4252-2022

Date of decision : 09.05.2022

Major Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Eknoor Kaur Sara, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Ms.Kulwinder Kaur, Advocate, for
Mr.Pratap Singh Gill, 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.0005 dated 05.08.2020 registered under Sections 406 and 498-A IPC at Police Station NRI, District Hoshiarpur on the basis of a compromise 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 08.04.2022 from the Judicial Magistrate, Ist Class, Hoshiarpur 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 petitioner is arrayed as accused; both of them have appeared before the Trial Court and made their respective statements in support of the compromise; the petitioner has not been declared proclaimed offender and that the matter has been compromised between the parties voluntarily.

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.0005 dated 05.08.2020 registered under Sections 406 and 498-A IPC at Police Station NRI, District Hoshiarpur and all proceedings arising therefrom qua the petitioner.

09.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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