

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.248

CRM-M-3681-2020

Date of decision: 21.03.2022

Mukesh Kumar and another

....Petitioners

Versus

State of U.T., Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anuj Sharma, Advocate
for the petitioners.

Ms. Vasundhara Dalal Anand, Addl. P.P.,
U.T. Chandigarh.

Mr. Karan Kaushal, Advocate
for respondents No.2 and 3.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.89 dated 02.08.2019 registered under Sections 323, 406, 498-A IPC at Police Station Women Police Station, Chandigarh and all subsequent proceedings arising out of it on the basis of the compromise.

On 28.01.2020 this Court had directed the parties to appear before the Illaqa Magistrate on 26.02.2020 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties as also to apprise this Court if there any other case pending against them; total number of accused involved in the case and his/their status of being proclaimed offender/person.

As directed, report dated 06.03.2020 from the Judicial

Magistrate Ist Class, Chandigarh 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 and none of the petitioners has been declared a proclaimed offender.

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 originates from a matrimonial dispute 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 the FIR No.89 dated 02.08.2019 registered under Sections 323, 406, 498-A IPC at Police Station Women Police Station, Chandigarh and all proceedings arising therefrom, qua the petitioners.

March 21, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No