

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 247

CRM-M-4863-2020

Date of decision : 10.03.2022

Ramandeep Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Divanshu Jain, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.83 dated 03.04.2015 registered under Sections 406, 498-A, 323, 324, 506, 420, 468, 471 and 34 IPC at Police Station Jandiala, District Amritsar, on the basis of a compromise (Annexure P-2) entered into between the parties.

On 17.12.2021 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 the 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 trial/proceedings and that if the compromise so arrived at between the parties is genuine, voluntarily and out of free will. The Illaqa Magistrate/Trial Court was further directed to send a report with regard to the validity or otherwise of the compromise so effected between the parties.

As directed, report dated 11.02.2022 from the Judicial Magistrate Ist Class, Amritsar 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 compromise is without any pressure, undue influence or coercion and that no accused 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 arises from a matrimonial dispute; the offences are not heinous 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.83 dated 03.04.2015 registered under Sections 406, 498-A, 323, 324, 506, 420, 468, 471 and 34 IPC at Police Station Jandiala, District Amritsar and all proceedings arising therefrom qua the petitioners.

10.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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