

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 269

CRM-M-6734-2022

Date of decision : 20.05.2022

Kamaldeep Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vaibhav Narang, 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.30 dated 20.04.2016 registered under Sections 498-A and 406 IPC at Police Station Chattiwind, District Amritsar Rural on the basis of a compromise dated 21.01.2022 (Annexure P-2) entered into between the parties.

On 17.02.2022 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 of the accused has been declared a proclaimed offender; the stage of the trial/proceedings and whether the compromise is genuine, voluntarily and out of free will.

As directed, report dated 02.05.2022 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 complainant is respondent No.2; only the petitioner is arrayed as an accused; both of them had appeared and made their respective statements before the Trial Court with regard to the compromise arrived at between them; the petitioner has not been declared a proclaimed offender; the case is fixed for prosecution's evidence and that the compromise is genuine, voluntary and out of free will of the parties.

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.30 dated 20.04.2016 registered under Sections 498-A and 406 IPC at Police Station Chattiwind, District Amritsar Rural and all proceedings arising therefrom qua the petitioner.

20.05.2022
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[DEEPAK SIBAL]
JUDGE

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