

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.304

CRM-M-6915-2022

Date of decision : 16.05.2022

Ujjwal Bijarnia @ Ujjawal Bijarania

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Meenakshi Singh, Advocate, for
Mr.Amit Rana, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

Mr.Bhupinder Gupta, Advocate, for
Mr.Sanjeev Kumar, 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.288 dated 23.12.2018 registered under Sections 323, 34, 406, 498-A and 506 IPC at Police Station Agroha, District Hisar on the basis of a settlement arrived at between the parties in the proceedings under Section 13-B of the Hindu Marriage Act, 1955.

On 18.02.2022 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 number of persons arrayed as accused in FIR; whether any accused is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused are involved in any other case and the number of victims/complainants in the FIR.

As directed, report dated 25.03.2022 from the Judicial Magistrate Ist Class, Hisar 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; only the petitioner is arrayed as an accused; he has not been declared a proclaimed offender; respondent No.2 is the only victim/complainant and that the compromise is voluntary and without any pressure.

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.288 dated 23.12.2018 registered under Sections 323, 34, 406, 498-A and 506 IPC at Police Station Agroha, District Hisar and all proceedings arising therefrom qua the petitioner.

16.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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