

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-6782-2019

Date of decision : 10.03.2022

Uday Sikka

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

 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 No179 dated 07.09.2015 registered under Sections 406 and 498-A IPC at Police Station City Kharar, District SAS Nagar on the basis of a compromise dated 12.12.2018 (Annexure P-2) entered into between the parties.

On 23.01.2020 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate 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 genuineness of the compromise between the parties as also to apprise the Court whether whether any P.O. proceedings are pending against any of the party.

As directed, report dated 19.03.2020 from the Sub Divisional Judicial Magistrate, Kharar, 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 voluntarily and without any threat or any undue influence and neither the accused has been declared proclaimed offender nor any PO proceedings are pending against him.

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 between the parties 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 No179 dated 07.09.2015 registered under Sections 406 and 498-A IPC at Police Station City Kharar, District SAS Nagar and all proceedings arising therefrom qua the petitioner.

10.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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