

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 278

CRM-M-10094-2022

Date of decision : 25.07.2022

Ishan Khan and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sunny K.Singla, Advocate, for the petitioners.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.G.N.Malik, 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.84 dated 28.07.2021 registered under Sections 377, 498-A, 406, 323, 506 and 34 IPC at Police Station City-II, Malerkotla, District Sangrur on the basis of a compromise dated 07.02.2022 (Annexure P-2) entered into between the parties.

On 11.05.2022 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; whether any of them 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 or not and that how many victims/complainants are there in the FIR.

As directed, report dated 31.05.2022 from the Sub Divisional Judicial Magistrate, Malerkotla 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 petitioners are arrayed as accused; none of them has been declared proclaimed offender(s); they are not involved in any

other case; the compromise is genuine, voluntary and without any coercion or undue influence and the respondent is the only complainant/victim in the present FIR.

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 the Supreme Court in *Narinder Singh vs State of Punjab* (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash FIR No.84 dated 28.07.2021 registered under Sections 377, 498-A, 406, 323, 506 and 34 IPC at Police Station City-II, Malerkotla, District Sangrur and all proceedings arising therefrom qua the petitioners.

25.07.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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