

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 255

CRM-M-8955-2020

Date of decision : 18.04.2022

Davinder Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Arpan Sabharwal, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.Sunny Namdev, Advocate, for

Ms.Jasleen Kaur, 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.7 dated 09.02.2019 registered under Sections 498-A and 494 IPC at Police Station NRI, Kapurthala on the basis of a compromise (Annexure P-2) entered into between the parties.

On 02.02.2022 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 so effected between them; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings; if the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

As directed, report dated 07.03.2022 from the Additional Chief Judicial Magistrate, Kapurthala 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's name is Sandeep Kaur; only the petitioner is arrayed as accused; the complainant as also the petitioner have appeared and made their respective statements in support of the compromise so effected between them; the accused has not been declared a proclaimed offender and that the compromise is genuine, voluntary and without any coercion or undue influence and out of free will.

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 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.7 dated 09.02.2019 registered under Sections 498-A and 494 IPC at Police Station NRI, Kapurthala and all proceedings arising therefrom qua the petitioner.

18.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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