

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 279

CRM-M-11667-2022

Date of decision : 15.09.2022

Saranjit Singh Bains

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Brar, Advocate, for the petitioner.

Ms.Himani Arora, AAG, Punjab.

Mr.Vijay Lath, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

A demand draft amounting to Rs.13 lakhs favouring respondent No.2 has been handed over by learned counsel for the petitioner to learned counsel for respondent No.2.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0005 dated 14.03.2019 registered under Sections 406, 498-A and 494 IPC at Police Station NRI, District SBS Nagar on the basis of a written compromise dated 06.01.2022 (Annexure P-2) entered into between the parties.

On 05.04.2022 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 veracity of the compromise between the parties as also to apprise this Court whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 28.04.2022 from the Chief Judicial Magistrate, SBS Nagar 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 same is genuine, voluntary and without any coercion or undue influence; only the petitioner is arrayed as the accused; he has not been declared a proclaimed offender and that no other criminal case is pending against him.

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.0005 dated 14.03.2019 registered under Sections 406, 498-A and 494 IPC at Police Station NRI, District SBS Nagar and all proceedings arising therefrom qua the petitioner.

15.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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