

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 265

CRM-M-16659-2018

Date of decision : 12.05.2022

Pankaj

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.V.P.Sangwan, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

Mr.Mohit, Advocate, for

Mr.Sumit Sangwan, 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.21 dated 18.01.2017 registered under Sections 323, 34, 498-A and 506 IPC (charges framed under Sections 498-A, 406, 323, 506 and 34 IPC) at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) on the basis of a compromise entered into between the parties.

On 10.11.2021 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; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings and whether the compromise is genuine, voluntarily and out of free will.

As directed, report dated 14.12.2021 from the Judicial Magistrate,

Ist Class, Charkhi Dadri 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; respondent No.2 is the complainant; only the petitioner is arrayed as accused; he has not been declared proclaimed offender; the complainant and the accused have appeared and made their respective statements in support of the compromise before the Trial Court; the case is at the stage of recording prosecution's evidence and that the compromise is genuine.

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.21 dated 18.01.2017 registered under Sections 323, 34, 498-A and 506 IPC (charges framed under Sections 498-A, 406, 323, 506 and 34 IPC) at Police Station Dadri City, District Bhiwani (now District Charkhi Dadri) and all proceedings arising therefrom qua the petitioner.

12.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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