

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 287

CRM-M-12447-2022 (O&M)

Date of decision : 23.05.2022

Vijay Kumar @ Chitta and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

None 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.0048 dated 27.03.2021 registered under Sections 406 and 498-A IPC at Women Police Station, Ludhiana on the basis of a compromise dated 26.10.2021 (Annexure P-2) entered into between the parties.

On 24.03.2022 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 16.04.2022 from the Judicial Magistrate Ist Class, Ludhiana 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 out of the free will of the parties,

voluntarily, without any sort of pressure, coercion and fear; only the petitioners are arrayed as accused who have not been declared a proclaimed offender and that no other criminal case is pending against them

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.0048 dated 27.03.2021 registered under Sections 406 and 498-A IPC at Women Police Station, Ludhiana and all proceedings arising therefrom qua the petitioners.

23.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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