

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 276

CRM-M-13636-2022

Date of decision : 22.08.2022

Avinash Kumawat

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ashwani Gaur, Advocate, for the petitioner.

Mr.Karan Sharma, DAG, Haryana.

Mr.Anoop Verma, 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.0018 dated 24.02.2021 registered under Sections 323, 34, 406, 498-A and 509 IPC at Police Station Women, Sector-51, Gurugram on the basis of a written compromise dated 23.03.2022 (Annexure P-2) entered into between the parties.

On 19.04.2022 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 04.06.2022 from the Judicial Magistrate, Ist Class, Gurugram 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 without any threat or pressure from either side and

is made out of free volition of the parties; only the petitioner is arrayed as an accused; he has not been declared a proclaimed offender and that he is not involved in any other criminal case.

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.0018 dated 24.02.2021 registered under Sections 323, 34, 406, 498-A and 509 IPC at Police Station Women, Sector-51, Gurugram and all proceedings arising therefrom qua the petitioner.

22.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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