

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 295

CRM-M-20640-2022

Date of decision : 18.10.2022

Raj Kumar and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.S.Sodhi, Advocate, for the petitioners.

Ms.Himani Arora, AAG, Punjab.

Mr.Tarun Sharma, 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.111 dated 28.05.2021 registered under Sections 323, 342, 506, 509, 498-A and 34 IPC (Section 307 IPC added later on) at Police Station Sadar, Kapurthala, District Kapurthala and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 04.04.2022 (Annexure P-2) entered into between the parties.

On 13.05.2022 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 02.06.2022 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 same is genuine, voluntary, without any coercion or undue influence and out of free will of the parties; only the petitioners are arrayed as the accused; they have not been declared proclaimed offender(s) 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 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.111 dated 28.05.2021 registered under Sections 323, 342, 506, 509, 498-A and 34 IPC (Section 307 IPC added later on) at Police Station Sadar, Kapurthala, District Kapurthala and all proceedings arising therefrom qua the petitioners.

18.10.2022
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[DEEPAK SIBAL]
JUDGE

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