

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 293

CRM-M-20957-2022

Date of decision : 27.09.2022

Janak Raj Mehta

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Nitin Sharma, Advocate, for
Mr.M.R.Sharma, Advocate, for the petitioner.

Ms.Himani Arora, AAG, Punjab.

Ms.Shivani Bansal, Advocate, for
Mr.Harsh Chopra, 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.74 dated 03.08.2016 registered under Sections 498-A, 406 and 506 IPC at Police Station Kiratpur Sahib, District Rupnagar and all proceedings arising therefrom qua the petitioner on the basis of a written compromise dated 28.04.2022 (Annexure P-2) entered into between the parties.

On 16.05.2022 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 12.07.2022 from the Judicial Magistrate Ist Class, Sri Anandpur Sahib 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 voluntary and out of the free will of the parties and without any threat or coercion from any side; 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.74 dated 03.08.2016 registered under Sections 498-A, 406 and 506 IPC at Police Station Kiratpur Sahib, District Rupnagar and all proceedings arising therefrom qua the petitioner.

27.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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