

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 255

CRM-M-25427-2022

Date of decision : 14.10.2022

Vikas Vij

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.G.C.Shahpuri, Advocate, for the petitioner.

Mr.Karan Sharma, DAG, Haryana.

Mr.V.K.Rana, 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.104 dated 08.08.2020 registered under Sections 323, 377, 406, 498-A and 506 IPC (Section 377 IPC deleted later on) at Women Police Station, Yamuna Nagar, District Yamuna Nagar and all proceedings arising therefrom qua the petitioner on the basis a written compromise dated 21.05.2022 (Annexure P-2) entered into between the parties.

On 02.06.2022 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 21.07.2022 from the Judicial Magistrate

Ist Class, Yamuna Nagar 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 has been effected with free volition of the parties and is not the result of any undue influence, pressure, fraud or misrepresentation; 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.104 dated 08.08.2020 registered under Sections 323, 377, 406, 498-A and 506 IPC (Section 377 IPC deleted later on) at Women Police Station, Yamuna Nagar, District Yamuna Nagar and all proceedings arising therefrom qua the petitioner.

14.10.2022
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[DEEPAK SIBAL]
JUDGE

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