

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 257

CRM-M-24273-2020

Date of decision : 06.04.2022

Kamal Tehri and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.Rajesh Goyal, Advocate, for the petitioners.

Mr.Sumit Jain, Addl.A.G., Haryana.

None for respondent No.2.

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DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.100 dated 16.05.2019 registered under Sections 498A, 406, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Women Cell, Panipat on the basis of a compromise (Annexure P-2) entered into between the parties.

On 12.01.2021 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 number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O.; name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise; the stage of trial/proceedings and if the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 08.02.2021 from the Additional District & Sessions Judge, Panipat has been received as per which the parties had recorded their statements before the Court in terms of the compromise

arrived at between them and the same is genuine; only the petitioners are arraigned in the FIR; all of them had appeared before the Court and made statements; none of them is absconding/proclaimed offender; the complainant is the only aggrieved person and that the case is at the stage of prosecution evidence.

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 between the parties and the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the 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.100 dated 16.05.2019 registered under Sections 498A, 406, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Women Cell, Panipat and all proceedings arising therefrom qua the petitioners.

06.04.2022  
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[DEEPAK SIBAL]  
JUDGE

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