

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 275

CRM-M-53863-2018

Date of decision : 09.05.2022

Vishal Sharma and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sandeep Sharma, Advocate, for
Mr.Veneet Sharma, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Deepak Aggarwal, Advocate, for
Mr.J.S.Khattar, 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.49 dated 20.06.2018 registered under Sections 406 and 498A IPC at Police Station Women, Amritsar City, Amritsar on the basis of a compromise dated 18.10.2018 (Annexure P-2) entered into between the parties.

On 17.01.2020 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 arrayed in the FIR, how many have appeared before it, have made statements and whether any accused is absconding/P.O. in this case; the name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise; the stage of trial/proceedings and whether the compromise is genuine, voluntarily and out of free will of the parties.

As directed, report dated 24.02.2020 from the Judicial Magistrate, Ist Class, Amritsar 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; only the petitioners are arrayed as accused; all of them have appeared before the Trial Court and made their respective statements; none of them has been declared proclaimed offender; respondent No.2 is the only complainant and aggrieved who also appeared and made her statement before the Trial Court; challan has not been presented and that the compromise is genuine, voluntary and out of the free will of the parties.

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 a 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.49 dated 20.06.2018 registered under Sections 406 and 498A IPC at Police Station Women, Amritsar City, Amritsar and all proceedings arising therefrom qua the petitioners.

09.05.2022

shamsher

[DEEPAK SIBAL]

JUDGE

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