

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-25826-2019 (O&M)

Date of decision : 05.04.2022

Pardeep

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Tara Chand, Advocate, for
 Mr.Ashish Malik, Advocate, for the petitioner.

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

 Mr.Vikas Kumar, 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.62 dated 17.09.2016 registered under Sections 323, 406, 498-A and 506 IPC at Women Police Station, Panchkula on the basis of compromise dated 03.04.2019 (Annexure P-2) entered into between the parties.

On 13.03.2020 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 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.; name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them; the stage of the trial/proceedings and if the compromise is genuine, voluntarily and out of free will of the parties.

As directed, report dated 20.07.2020 from the Additional Chief Judicial Magistrate, Panchkula has been received as per which the parties had recorded their statements before the Illaqa Magistrate/Trial Court in terms of

the compromise arrived at between them; the petitioner is the only accused and respondent No.2 is the only complainant in this case; the petitioner has not been declared proclaimed offender; the trial is at the stage of recording prosecution evidence and that the compromise is genuine, voluntary and out of 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 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.62 dated 17.09.2016 registered under Sections 323, 406, 498-A and 506 IPC at Women Police Station, Panchkula and all proceedings arising therefrom, qua the petitioner.

05.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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