

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 253

CRM-M-27920-2020

Date of decision : 05.05.2022

Vikas Tomer and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.K.Rohilla, Advocate, for the petitioners.

Mr.Anmol Malik, DAG, Haryana.

Mr.M.K.Mittal, 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.0110 dated 19.03.2018 registered under Sections 323, 406, 498A, 506 and 34 IPC at Women Police Station, Butana, District Karnal on the basis of a compromise dated 07.03.2020 (Annexure P-2) entered into between the parties.

On 09.12.2020 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 persons arrayed as accused in FIR; whether any accused is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused are involved in any other case and the number of victims/complainant in the FIR.

As directed, report dated 01.03.2021 from the Judicial Magistrate Ist Class, Karnal 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; none of them has been declared a proclaimed offender; no other case is pending against them; there is no other victim/complainant except respondent No.2 and that the compromise is genuine and the same has been executed voluntarily 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 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 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.0110 dated 19.03.2018 registered under Sections 323, 406, 498A, 506 and 34 IPC at Women Police Station, Butana, District Karnal and all proceedings arising therefrom qua the petitioners.

05.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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