

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 274

CRM-M-33843-2021

Date of decision : 15.09.2022

Harish and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mrs.Parveen Dutt Bhardwaj, Advocate, for
Mr.S.K.Panwar, Advocate, for the petitioners.

Mr.Karan Sharma, DAG, Haryana.

Mr.Balvinder Singh Sangwan, 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.372 dated 28.06.2015 registered under Sections 498-A, 406, 323, 354 and 506 IPC at Police Station Sarai Khawaja, District Faridabad on the basis of the settlement arrived at between the parties in the proceedings under Section 13-B of the Hindu Marriage Act, 1955.

On 10.11.2021 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 validity or otherwise of the compromise between the parties as also to apprise this Court the name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise; whether any of the accused has been declared a proclaimed offender; the stage of trial/proceedings and if the compromise is genuine, voluntarily and out of free will of the parties.

As directed, report dated 10.12.2021 from the Judicial Magistrate Ist Class, Faridabad 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; respondent No.2 is the complainant; only the petitioners are arrayed as the accused; the complainant and the petitioners have appeared before the Trial Court and made their respective statements in support of the compromise; accused have not been declared proclaimed offender(s); the case is fixed for defence evidence/for arguments and that the compromise has been effected between the parties without any external pressure, coercion or force and is a valid one.

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.372 dated 28.06.2015 registered under Sections 498-A, 406, 323, 354 and 506 IPC at Police Station Sarai Khawaja, District Faridabad and all proceedings arising therefrom qua the petitioners.

15.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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