

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 254

CRM-M-29496-2020

Date of decision : 05.05.2022

Jatinder Kumar @ Shoki

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ravi Bharti, Advocate, for
Mr.Vishal Nehra, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Baljinder Singh, 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.104 dated 08.07.2017 registered under Sections 498A and 406 IPC at Police Station Dasuya, District Hoshiarpur on the basis of a compromise Annexure P-2 entered into between the parties.

On 23.11.2020/10.02.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate 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 whether the parties have entered into compromise voluntarily without any threat or coercion as also to report whether any of the parties has been declared proclaimed offenders.

As directed, report dated 10.04.2021 from the Sub Divisional Judicial Magistrate, Dasuya 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; the same is genuine, without any pressure or coercion and undue influence and that none of the parties has been declared proclaimed offenders.

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.104 dated 08.07.2017 registered under Sections 498A and 406 IPC at Police Station Dasuya, District Hoshiarpur and all proceedings arising therefrom qua the petitioner.

05.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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