

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 270

CRM-M-34488-2021

Date of decision : 16.09.2022

Tushant Bhayana

..... Petitioner

VERSUS

The State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Govind Chauhan, Advocate, for the petitioner.

Mr.Karan Sharma, DAG, Haryana.

None 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.158 dated 01.12.2016 registered under Sections 498-A, 406, 323, 354 and 34 IPC at Women Police Station, District Karnal on the basis of a written compromise dated 11.08.2021 (Annexure P-2) entered into between the parties.

On 11.11.2021 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 number of accused arrayed in the FIR; how many of them have appeared before the Illaqa Magistrate/Trial Court and have made statements and whether any of them 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 the trial/proceedings and if the compromise is genuine, voluntarily and out of free will of the parties.

As directed, report dated 15.12.2021 from the Additional Chief Judicial Magistrate, 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 petitioner is arrayed as the accused; he has not been declared a proclaimed offender; respondent No.2 is the complainant; the accused and the complainant have appeared before the Trial Court and made their respective statements in support of the compromise; the case is fixed for 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 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.158 dated 01.12.2016 registered under Sections 498-A, 406, 323, 354 and 34 IPC at Women Police Station, District Karnal and all proceedings arising therefrom qua the petitioner.

16.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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