

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 258

CRM-M-31704-2020

Date of decision : 25.05.2022

Harjinder Singh and another

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.K.S.Phoolka, Advocate, for the petitioners.

Mr.Rajat 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.0302 dated 06.07.2020 registered under Sections 323, 377, 406, 498-A, 506 and 34 IPC at Police Station Rania, District Sirsa on the basis of a compromise dated 21.08.2020 (Annexure P-2) entered into between the parties.

On 08.10.2020 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 accused arrayed in the FIR, how many have appeared before it and have made statements and whether any of them is absconding/P.O.; the name of the complainant and injured/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 that if the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 15.12.2020 from the Judicial Magistrate Ist Class, Ellenabad 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; all of them appeared before the Trial Court and made their respective statements; none of them has been declared proclaimed offender; except the complainant no other person is aggrieved; the trial is at the initial stage and that the compromise is genuine and voluntary.

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 a 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.0302 dated 06.07.2020 registered under Sections 323, 377, 406, 498-A, 506 and 34 IPC at Police Station Rania, District Sirsa and all proceedings arising therefrom qua the petitioners.

25.05.2022
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[DEEPAK SIBAL]
JUDGE

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