

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-29821-2019

Date of decision : 21.03.2022

Madan Gopal

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sushil Sheoran, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

Mr.Mohit, 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.235 dated 28.06.2016 registered under Sections 323, 406, 498-A and 506 IPC at Police Station Bhiwani City, District Bhiwani on the basis of a compromise dated 06.07.2019 (Annexure P-2) entered into between the parties.

On 17.12.2019 this Court had directed the parties to appear before the Illaqa Magistrate/Duty 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 genuineness of the compromise as also to intimate if any of the parties has been declared as proclaimed offender or if the challan has been presented or not.

As directed, report dated 14.01.2020 from the Additional Chief Judicial Magistrate, Bhiwani 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 compromise is genuine; two accused namely Madan Gopal and Manisha were arrayed in this case; none of them has been declared as proclaimed offender and that the challan has been submitted.

Learned State counsel has also raised 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 between the parties; the trial is at its initial stage and 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.235 dated 28.06.2016 registered under Sections 323, 406, 498-A and 506 IPC at Police Station Bhiwani City, District Bhiwani and all proceedings arising therefrom qua the petitioner.

21.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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