

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 264

CRM-M-40548-2021

Date of decision : 25.05.2022

Gurbaz Singh @ Gurbaz Waraich and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.S.Brar, Advocate, for the petitioners.

Mr.Rajat Sharma, DAG, Haryana.

Mr.A.S.Jawandha, 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.0086 dated 03.12.2018 registered under Sections 323, 34, 354, 406 and 498-A IPC at Women Police Station, Kaithal, District Kaithal on the basis of a compromise dated 15.04.2021 (Annexure P-2) entered into between the parties.

On 28.02.2022 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 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 the trial/proceedings and whether the compromise is genuine, voluntarily and out of free will.

As directed, report dated 07.05.2022 from the Judicial Magistrate

Ist Class, Kaithal 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; none of them has been declared proclaimed offender; the case is at the stage of framing of charges and that the compromise is genuine and valid.

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.0086 dated 03.12.2018 registered under Sections 323, 34, 354, 406 and 498-A IPC at Women Police Station, Kaithal, District Kaithal and all proceedings arising therefrom qua the petitioners.

25.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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