

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.236

CRM-M-37221-2020

Date of decision: 02.06.2022

Bishan Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jatinder Nagpal, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

None for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0041 dated 08.04.2018 registered under Section 498-A IPC at Police Station Division No.2, District Pathankot and all subsequent proceedings arising therefrom on the basis of a settlement between the parties in the proceedings under Section 13-B of Hindu Marriage Act, 1955.

On 11.11.2020, 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/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties.

As directed, report dated 28.01.2021 from the Judicial Magistrate Ist Class, Pathankot, 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 and that the petitioner is the only accused in the present case and he has not been declared a proclaimed offender.

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 originates from a matrimonial dispute and 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 the FIR No.0041 dated 08.04.2018 registered under Section 498-A IPC at Police Station Division No.2, District Pathankot and all proceedings arising therefrom, qua the petitioner.

June 02, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No