

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

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**CRM-M-37292 of 2019 (O & M)
Date of decision : 26.4.2022**

Sunny Dharia

.....Petitioner

Vs.

State of UT, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Anil K. Ahluwalia, Advocate, for the petitioner

Mr. Yashwant Singh Rathore, AAP, UT, Chandigarh

Ms. Sudha Singh, Advocate and

Mr. Yuvraj Singh Rathore, 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.336 dated 14.7.2015, registered under Sections 406 and 498A IPC, at Police Station Sector 34, Chandigarh on the basis of compromise dated 20.12.2018 (Annexure P-2) entered into between the parties.

On 17.1.2020, 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 with regard to the veracity of the compromise, as also to apprise whether all the accused are party to the compromise and whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 12.2.2020 from the Judicial Magistrate

Ist Class, Chandigarh, has been received, as per which the parties had recorded

their statements before the Illaqa Magistrate/Trial Court in terms of the compromise arrived at between them; the compromise is voluntary, without any force, coercion and undue influence and the petitioner has never been declared a proclaimed offender.

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 between the parties 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 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.336 dated 14.7.2015, registered under Sections 406 and 498A IPC, at Police Station Sector 34, Chandigarh, and all proceedings arising therefrom qua the petitioner.

(DEEPAK SIBAL)
JUDGE

26.4.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No