

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

Sr. No.240

CRM-M-44657-2021

Date of decision: 25.03.2022

Radeep Sharma

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. M.S. Sachdev, Advocate
for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

Mr. Ankur Bansal, Advocate
for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.0058 dated 14.05.2021 registered under Sections 406 and 498-A IPC at Police Station Women, District Police Commissionerate Jalandhar and all subsequent proceedings arising out of it on the basis of the compromise (Annexure P-2).

On 27.10.2021, while issuing notice of motion, this Court had passed the following order:-

“This is a petition that has been filed for quashing of FIR and all the subsequent proceedings arising therefrom on the basis that a compromise has been entered into between the parties.

Notice of motion for 21.12.2021.

At this stage, Mr. A.S.Gill, Senior DAG, Punjab, has put in appearance through the medium of video conferencing and accepts notice on behalf of respondent-

State. Mr. Ankur Bansal, Advocate, accepts notice for respondent No.2 and admits to the factum of compromise.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaqa Magistrate on 22.11.2021 or any other date convenient to the trial Court/Illaqa Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 21.12.2021.”

In pursuance to the afore-quoted order, a report dated 13.12.2021 by the Judicial Magistrate, Ist Class, Jalandhar (for short – the Magistrate) has been filed as per which on account of non-payment of Rs.6,25,000/-, the complainant had objected to the quashing of the FIR in question.

Learned counsel for the petitioner submits that after the aforesaid report by the Magistrate, the balance amount of Rs.6,25,000/- has been paid by the petitioner to respondent No.2. He further submits that after such payment the statements in the second motion in proceedings filed by the parties under Section 13-B of the Hindu Marriage Act, 1955 have also been recorded and in such proceedings only final order remains to be passed.

Learned counsel appearing for respondent No.2 admits to the above statement made on behalf of the petitioner and further states that his client has no objection if the FIR in question be quashed.

Learned counsel appearing for the State also submits that since the dispute between the parties arises from a matrimonial dispute, as per the law settled by the Supreme Court, the State has also no objection if the impugned FIR, in the facts of the present case, is quashed.

After considering the rival submissions made by the parties and in line with 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, continuation of the proceedings in pursuance to the impugned FIR would an abuse of the process of law and therefore, are ordered to be quashed qua the petitioner.

The petition is allowed in the above terms.

March 25, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No