

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 268

CRM-M-36141-2019 (O&M)

Date of decision : 25.07.2022

Sarabjit Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.N.S.Diwana, Advocate, for the petitioners.

Ms.Gunkirat Kaur, AAG, Punjab.

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.91 dated 03.06.2014 registered under Sections 498-A and 120-B IPC (Section 406 IPC added later on) at Police Station Kharar, District SAS Nagar on the basis of a compromise dated 06.03.2019 (Annexure P-2) entered into between the parties.

On 30.08.2019 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 number of persons arrayed as accused; whether any of them is proclaimed offender; the stage of trial/proceedings and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 18.09.2019 from the Judicial Magistrate, Ist Class, Kharar 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(s) and that the compromise is genuine and correct.

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 the Supreme Court in *Narinder Singh vs State of Punjab* (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash FIR No.91 dated 03.06.2014 registered under Sections 498-A and 120-B IPC (Section 406 IPC added later on) at Police Station Kharar, District SAS Nagar and all proceedings arising therefrom qua the petitioners.

25.07.2022
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[DEEPAK SIBAL]
JUDGE

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