

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

Sr. No.243

CRM-M-43511-2020

Date of decision: 01.06.2022

Kapil Dhaka and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.K. Garg, Advocate, for the petitioners.

Mr. Karan Sharma, AAG, Haryana.

Mr. Sunil Kumar Bhorla, Advocate
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.43 dated 28.03.2019 registered under Sections 323, 377, 406, 498-A and 506 IPC at Women Police Station Bhiwani and all subsequent proceedings arising out of it on the basis of a compromise dated 14.12.2020 (Annexure P-2).

On 23.12.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 06.02.2021 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 also all the accused/petitioners are appearing before the Court or are on bail and is there any other proceeding pending against the accused/petitioners.

As directed, report dated 10.02.2021 from the Judicial Magistrate, Bhiwani, 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; two accused namely Kapil Dhaka and Nirmla are on bail and no other proceedings are pending against the accused/petitioners.

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.43 dated 28.03.2019 registered under Sections 323, 377, 406, 498-A and 506 IPC at Women Police Station Bhiwani and all proceedings arising therefrom, qua the petitioners.

June 01, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No