

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 254

CRM-M-51160-2021

Date of decision : 01.04.2022

Ankush Khajuria and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.M.K.Bali, Advocate, for the petitioners.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.Vaibhav Parashar, 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.21 dated 30.03.2021 registered under Sections 406 and 498-A IPC at Women Police Station, Police Commissionerate, Amritsar on the basis of compromise (Annexure P-2) entered into between the parties.

On 17.01.2022 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 number of accused arraigned in the FIR and how many have appeared before it and have made statements whether any accused is absconding/P.O.; the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise; the stage of trial/proceedings; if the compromise is genuine, voluntary and out of free will of the parties and whether any other criminal case is pending against the accused.

As directed, report dated 08.02.2022 from the Judicial Magistrate

Ist Class, Amritsar 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 petitioners are the only accused and the complainant is the only victim in the FIR; the petitioners are not declared proclaimed offenders; challan has not been presented and that the compromise has been effected between the parties out of their free will, without any sort of fraud, misrepresentation, threat, coercion and undue pressure or duress.

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 and 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.21 dated 30.03.2021 registered under Sections 406 and 498-A IPC at Women Police Station, Police Commissionerate, Amritsar and all proceedings arising therefrom, qua the petitioners.

01.04.2022

shamsher

[DEEPAK SIBAL]
JUDGE

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