

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 263

CRM-M-40727-2019

Date of decision : 24.08.2022

Yogesh Wadhwa and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioners.

Mr.Karan Sharma, DAG, Haryana.

None 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.498 dated 09.09.2018 registered under Sections 323, 406 and 498-A IPC at Police Station Shahabad, District Kurukshetra on the basis of a written compromise dated 29.07.2019 (Annexure P-4) entered into between the parties.

On 20.02.2020 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 along with the recorded statements with regard to the compromise between the parties as also to apprise this Court the name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise; whether any of the accused has been declared a proclaimed offender; the stage of trial/proceedings and that if the compromise is genuine, voluntary and out of free will.

As directed, report dated 23.10.2020 from the Sub Divisional Judicial Magistrate, Shahabad 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; respondent No.2 is the complainant; only the petitioners are arrayed as accused; they have not been declared proclaimed offender(s); the petitioners and the complainant have appeared before the Trial Court and made their respective statements with respect to the compromise arrived at between them; the case is fixed for recording prosecution's evidence and that the compromise is genuine, voluntary, without any coercion or undue influence and out of free will.

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.498 dated 09.09.2018 registered under Sections 323, 406 and 498-A IPC at Police Station Shahabad, District Kurukshetra and all proceedings arising therefrom qua the petitioners.

24.08.2022

shamsher

[DEEPAK SIBAL]
JUDGE

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