

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 260

CRM-M-52946-2021

Date of decision : 05.05.2022

Mahinder Kumar and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sagar Sethi, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.D.D.Sharma, 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.73 dated 07.07.2015 registered under Sections 498-A, 406 and 34 IPC (Section 506 IPC added later on) at Police Station Gidderbaha, District Shri Muktsar Sahib on the basis of a compromise dated 23.11.2021 (Annexure P-2) entered into between the parties.

On 17.12.2021 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 accused arrayed in the FIR, how many have appeared before it, have made statements and whether any of them is absconding/P.O. in the case; the name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise; the stage of the trial/proceedings and that if the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 14.02.2022 from the Sub Divisional Judicial Magistrate, Gidderbaha 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; all of them appeared before the Trial Court and made their respective statements; none of them has been declared proclaimed offender; the complainant's name is Sujata Rani (respondent No.2) and except her no other persons is aggrieved; challan has been presented and that the compromise is genuine and without any pressure, coercion and undue influence.

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 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 FIR No.73 dated 07.07.2015 registered under Sections 498-A, 406 and 34 IPC (Section 506 IPC added later on) at Police Station Gidderbaha, District Shri Muktsar Sahib and all proceedings arising therefrom qua the petitioners.

05.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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