

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 249

CRM-M-41978-2019

Date of decision : 30.05.2022

Kapil Singh Ghotra and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kulwinder Singh, Advocate, for
 Mr.M.S.Bhatti, Advocate, for the petitioners

 Ms.Sheenu Sura, DAG, Haryana.

 Mr.Sanjay Khan, 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.111 dated 01.08.2019 registered under Sections 313, 323, 377, 406, 494, 498-A and 506 IPC at Police Station, Sadhaura, District Yamnuna Nagar on the basis of a compromise dated 20.9.2019 (Annexure P-2) entered into between the parties.

On 30.09.2019/24.02.2020/02.03.2021 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 arrived at between them, who in turn was directed to submit a report along with the recorded statements with regard to the genuineness and authenticity of the compromise as also to inform the number of accused arraigned in the FIR and how many of them have appeared and have made statement; whether any accused is absconding/PO in this case; 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 the trial/proceedings and whether the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 07.04.2021 from the Judicial Magistrate Ist Class, Bilaspur 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; the same has been effected with free volition of the parties and is not the result of any undue influence or coercion; only the petitioners are arraigned as accused; none of them has been declared a proclaimed offender; respondent No.2 is the only complainant; the accused and the complainant have appeared before the Trial Court and made their respective statements with regard to the compromise and that the matter is at the stage of investigation.

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.111 dated 01.08.2019 registered under Sections 313, 323, 377, 406, 494, 498-A and 506 IPC at Police Station, Sadhaura, District Yamnuna Nagar and all proceedings arising therefrom qua the petitioners.

30.05.2022
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[DEEPAK SIBAL]
JUDGE

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