

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 259

CRM-M-54160-2021

Date of decision : 18.04.2022

Dharmender

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sunil Dhanda, Advocate, for
Mr.N.K.Jaglan, Advocate, for the petitioner.
Ms.Sheenu Sura, DAG, Haryana.
Mr.Sanjay Panchal, 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.520 dated 21.09.2021 registered under Sections 323, 498-A, 406, 506 and 377 IPC at Police Station Sampla, District Rohtak on the basis of a compromise dated 20.12.2021 (Annexure P-2) entered into between the parties.

On 23.12.2021 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 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 so effected between them; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings; if the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

As directed, report dated 24.01.2022 from the Judicial Magistrate

Ist Class, Rohtak 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 complainant's name is Bharti; only the petitioner is arrayed as accused; the complainant as also the accused have appeared and made their respective statements in support of the compromise so effected between them; the accused has not been declared a proclaimed offender and that the compromise is voluntary and without any pressure or coercion.

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 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 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.520 dated 21.09.2021 registered under Sections 323, 498-A, 406, 506 and 377 IPC at Police Station Sampla, District Rohtak and all proceedings arising therefrom qua the petitioner.

18.04.2022

shamsher

[DEEPAK SIBAL]
JUDGE

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