

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 252

CRM-M-46537-2019

Date of decision : 06.04.2022

Rukhdeep Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.A.S.Brar, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Arjun Veer 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.64 dated 14.03.2018 registered under Sections 498A and 506 IPC at Police Station City South Moga, District Moga on the basis of a compromise dated 14.09.2019 (Annexure P-2) entered into between the parties.

On 01.11.2019 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 persons arrayed as accused in FIR; whether any of them is proclaimed offender; the stage of trial/proceedings and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 26.12.2019 from the Chief Judicial Magistrate, Moga has been received, as per which the parties had recorded their statements before the Court in terms of the compromise arrived at between them, only the petitioners are arrayed in the FIR; none of them is proclaimed offender; the trial is pending for consideration on application filed by the prosecution under Section 319 Cr.P.C. and that the compromise is genuine, voluntary and without any coercion or 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 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.64 dated 14.03.2018 registered under Sections 498A and 506 IPC at Police Station City South Moga, District Moga and all proceedings arising therefrom qua the petitioners.

06.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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