

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 246)

CRM-M No. 53462 of 2019

Date of decision : 07.07.2022

Dharmender Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. S. K. Pandey, Advocate for
Mr. Anoop Singh Sheoran, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Nitish Yadav, Advocate for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 208 dated 08.04.2017 registered under Sections 323, 406, 498-A, 506 and 34 IPC at Police Station Kherki Daula, district Gurugram on the basis of a written compromise (Annexure P-2).

Learned counsel for the petitioner submits that in the impugned FIR, in addition to the petitioner, Smt. Gianwati and Gurdayal, who are the mother and father of the petitioner, respectively, were also arrayed as accused. Smt. Gianwati and Gurdayal had filed a joint petition being CRM-M No.10764 of 2020 – Smt. Gianwati and another Vs. State of Haryana and another through which they had also sought quashing of the impugned FIR on the basis of the same compromise as relied upon by the petitioner in the

present petition. In that case, on a direction issued by this Court, the parties including the complainant got recorded their statements before the Magistrate in support of the compromise and such fact is duly recorded in the order of this Court dated 27.05.2022 through which the aforesaid petition filed by Smt. Gianwati and Gurdayal was allowed resulting in the quashing of the proceedings qua them.

Learned counsel for the petitioner prays that on the afore basis the present petition be also allowed.

Learned State counsel as also learned counsel appearing for the complainant does not dispute the above factual position.

In the light of the afore facts and the consensus arrived at between the parties, continuation of the proceedings in pursuance of the afore-referred FIR, which arises out of a matrimonial dispute, would be an abuse of the process of law and in terms of the law laid down by the Supreme Court in ***Narinder Singh & Ors. Vs. State of Punjab & Anr. (2014) 6 SCC 466***, this Court deems it just and proper to allow the petition and resultantly quash FIR No. 208 dated 08.04.2017 registered under Sections 323, 406, 498-A, 506 and 34 IPC at Police Station Kherki Daula, Gurugram and all proceedings arising therefrom qua the petitioner.

07.07.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No