

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 250

CRM-M-54353-2019

Date of decision : 05.04.2022

Rohit Kataria and others

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kunal Muthreja, Advocate, for the petitioners.
Mr.Sumit Jain, Addl.A.G., Haryana.
Mr.V.S.Mandhan, 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.136 dated 14.02.2018 registered under Sections 323, 406, 498-A and 506 IPC at Police Station Karnal City, District Karnal on the basis of compromise dated 28.11.2019 (Annexure P-3) entered into between the parties.

On 22.03.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report with regard to the genuineness of the compromise as also to intimate whether any P.O. proceedings are pending against any of the party.

As directed, report dated 19.04.2021 from the Chief Judicial Magistrate, Karnal has been received as per which petitioners No.1 and 2 as also respondent No.2 have got their statements recorded in support of the compromise. However, petitioner No.3 did not appear.

Learned counsel for the petitioners submits that petitioner No.3 could not appear before the Trial Court/Illaq Magistrate due to the fact that she is suffering from cancer and that he has express instructions on her behalf to make a statement before this Court in support of the compromise between the parties.

Learned counsel for respondent No.2 submits that not only has respondent No.2 got her statement recorded before the Trial Court/Illaq Magistrate in support of the compromise between the parties, the marriage between petitioner No.1 and respondent No.2 stands dissolved.

In the light of the afore peculiar facts of the case, where the impugned FIR originates from a matrimonial dispute where petitioners No.1 and 2 as also respondent No.2 have stated before the Trial Court/Illaq Magistrate in support of the compromise arrived at between them and statement of learned counsel for the petitioners made on behalf of petitioner No.3 before this Court in support of the compromise as also that the marriage between petitioner No.1 and respondent No.2 stands dissolved, this Court is of the opinion that continuation of the proceedings in pursuance of the afore-referred FIR would be an abuse of the process of law 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, and resultantly quash FIR No.136 dated 14.02.2018 registered under Sections 323, 406, 498-A and 506 IPC at Police Station Karnal City, District Karnal and all proceedings arising therefrom, qua the petitioners.

The petition is allowed in the above terms.

05.04.2022
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[DEEPAK SIBAL]
JUDGE

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