

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 122

CRM-M-55276-2019

Date of decision : 01.06.2022

Sumit Singla and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vibhor Bansal, Advocate, for the petitioners.

Ms.Gunkirat Kaur, AAG, Punjab.

None 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.0236 dated 24.06.2017 registered under Sections 323, 406 and 498-A IPC at Police Station Zirakpur, District SAS Nagar, Mohali on the basis of a compromise dated 17.09.2019 (Annexure P-2) entered into between the parties.

On 06.01.2020 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 compromise as also to inform the number of persons arrayed as accused; 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 06.03.2020 from the Judicial Magistrate Ist Class, Dera Bassi 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; only the petitioners are arrayed as accused; none of them has

been declared a proclaimed offender; the matter is at the stage of investigation and that the compromise is genuine, valid, voluntary and without any coercion and 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 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.0236 dated 24.06.2017 registered under Sections 323, 406 and 498-A IPC at Police Station Zirakpur, District SAS Nagar, Mohali and all proceedings arising therefrom qua the petitioners.

01.06.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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