

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-14501-2014(O&M)

Date of decision : 22.01.2015

Harajinder Singh and another

... Petitioners

Versus

The State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.R.S.Pandher, Advocate
for the petitioners.

Mr.Sandeep Kumar Bansal, AAG, Punjab.

Mr.B.S.Hundal, Advocate
for respondent No.2.

REKHA MITTAL, J.(ORAL)

CRM-2121-2015

Allowed as prayed for.

Annexure P7 and P8 are taken on record.

CRM-2124-2015

Allowed as prayed for.

Annexure R1 is taken on record.

CRM-M-14501-2014

The petitioners have prayed for quashing of FIR No.41 dated 02.03.2009 under Sections 420, 120-B of the Indian Penal Code (in short “IPC”) registered in Police Station Phase VIII, S.A.S.Nagar, District S.A.S.Nagar.

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Sukhraj Kaur. Now the matter has been

amicably settled between the parties.

Sukhraj Kaur complainant in person is present in Court. Her statement was recorded in the Court. An extract from her statement is quoted thus:-

“FIR No.41 dated 02.03.2009 was registered at my behest in Police Station Phase VIII, SAS Nagar for offence punishable under Sections 420, 120-B of the Indian Penal Code against my husband Harjinder Singh and Harleen Kaur @ Gurmeet Kaur. The dispute between me and the petitioners has been settled by way of compromise. I have filed my affidavit dated 19.01.2015 (Annexure R1) which may be read as part of my statement. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are quashed.”

Counsel for the petitioners submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Counsel for the State has not disputed correctness of the contention of the petitioners.

I have heard counsel for the parties and perused the records.

A perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in ***Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543*** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation

of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.41 dated 02.03.2009 under Sections 420, 120-B IPC registered in Police Station Phase VIII, S.A.S.Nagar, District S.A.S.Nagar and proceedings emanating therefrom are ordered to be quashed qua the petitioners.

(REKHA MITTAL)
JUDGE

January 22, 2015.

Davinder Kumar