

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-14686-2014

Date of decision : 18.02.2015

Sonu Rohilla and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Parminder Singh, Advocate
for the petitioners.

Mr.Rajesh Gaur, Addl. A. G.Haryana.

Mr.Rahul Deswal, Advocate
for respondent No.2.

REKHA MITTAL, J.(ORAL)

The petitioners have prayed for quashing of FIR No.414 dated 12.05.2010, for offence under Sections 498-A, 406, 506, 323 of the Indian Penal Code (in short "IPC") registered in Police Station Karnal Civil Lines on the basis of compromise (Annexure P2) effected between the parties.

The parties were directed to appear before the trial Court on 11.08.2014 to get their statements recorded with regard to genuineness of compromise. Simultaneously, the trial Court was also directed to submit its report with regard to genuineness of the compromise arrived at between the parties.

A report has been submitted by the Judicial Magistrate Ist Class, Karnal, wherein it has been reported that statements of the petitioners and respondent No.2 (complainant) have been recorded and the statements

made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for the petitioners has submitted that an amount of Rs.1,25,000/- paid by way of cheque has been received by the complainant as cheque has been encashed. It is further submitted that marriage between petitioner No.1 and respondent No.2/complainant has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act passed on 10.02.2015.

Counsel for respondent No.2 has conceded to the factum of encashment of cheque but is not in a position to say something about decree passed by the Court.

Counsel for the State has not disputed correctness of assertions of the petitioners that the matter has been settled by way of compromise between the parties.

I have heard counsel for the parties and perused the case file.

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.414 dated 12.05.2010, for offence under Sections 498-A, 406, 506, 323 IPC registered in Police Station Karnal Civil Lines and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

February 18, 2015.
DK