

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

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Crl. Misc. No. M 19106 of 2014

Date of decision: 04.02.2015

Tarun Kumar

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Navdeep Monga, Advocate
for the petitioner

Mr. P S Madahar, AAG, Punjab
for respondent No. 1

Mr. Gagandeep Singh, Advocate for
Mr. P S Brar, Advocate
for respondent No. 2

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioner prays for quashing of FIR No.106 dated 20.04.2013 for offence under Sections 498-A, 406 of the Indian Penal Code (in short, IPC) registered in Police Station Kotwali Faridkot, District Faridkot and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

In the present case, martial discord between the petitioner and respondent No. 2, led to filing of the said FIR. Now, with the intervention of the respectables, a compromise was effected between the parties and in pursuance thereof, petition under Section 13-B of the Hindu Marriage Act, 1955 had been filed before the District Judge, Faridkot wherein a decree for dissolution of the marriage has since been passed on 20.10.2014. Further,

respondent No. 2 has already received all her dowry articles.

Vide order dated 13.11.2014, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by Chief Judicial Magistrate, Faridkot wherein it has been reported that statements of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of the report of trial Court.

A perusal of allegations in the FIR reveals that the present case squarely falls in that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court 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 this view of the matter, the petition is allowed and FIR No.106 dated 20.04.2013 for offence under Sections 498-A and 406 IPC registered in Police Station Kotwali Faridkot, District Faridkot and proceedings emanating therefrom stand quashed qua the petitioner.

(Rekha Mittal)
Judge

04.02.2015

