

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 06.02.2015

1. CRM-M-23924-2014

Peter Damian and another

... Petitioners

Versus

The Chandigarh Administration and another

... Respondents

2. CRM-M-23925-2014

Melvyn Peter

... Petitioner

Versus

The Chandigarh Administration and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Anuj Raura, Advocate
for the petitioners (in both the petitions).

Mr.Amardeep Singh, Addl.PP
for respondent No.1.

REKHA MITTAL, J.(ORAL)

By way of this order, I shall dispose of both the aforesaid criminal petitions together pertaining to the same incident relating to FIR No.74 dated 08.05.2008 registered in Police Station Sector 19, Chandigarh.

Vide CRM-M-23924-2014, petitioners, namely, Peter Damian and Mrs.Renu Ahuja have prayed for quashing of FIR No.74 dated 08.05.2008 registered in Police Station Sector 19, Chandigarh for offence

under Sections 448, 454, 380, 120-B of the Indian Penal Code (in short 'IPC') and proceedings emanating therefrom. In CRM-M-23925-2014, petitioner, namely, Melvyan Peter has prayed for quashing of the said FIR.

The parties were directed to appear before the trial Court on 06.08.2014 to get their statements recorded with regard to genuineness of compromise.

The reports have been submitted by the Judicial Magistrate Ist Class, Chandigarh and Principal Magistrate, Juvenile Justice Board, Chandigarh, 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 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 petitions are allowed and FIR No.74 dated 08.05.2008 registered in Police Station Sector 19, Chandigarh for offence under Sections 448, 454, 380, 120-B IPC and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

February 06, 2015.
DK