

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-36148-2014

Date of decision : 09.01.2015

Param Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Kunal Dawar, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab.

Mr.Ajaiveer Singh, Advocate
for respondent No.2.

REKHA MITTAL, J.(ORAL)

The petitioners have prayed for quashing of FIR No.39 dated 11.06.2012 under Sections 420, 120-B of the Indian Penal Code (in short “IPC”) registered in Police Station Maloud, District Khanna, Punjab.

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Jatinderpal Sharma. Now the matter has been amicably settled between the parties.

Jatinder Pal Sharma complainant is present in Court with his counsel. Affidavit of Jatinder Pal Sharma filed in the Court is taken on record. His statement was recorded in the Court. An extract from his statement is quoted thus:-

“I am the complainant-victim of FIR No.39 dated 11.06.2012 lodged in Police Station Maloud, District Khanna for offence punishable under Sections 420, 120-

B of the Indian Penal Code (in short 'IPC') against the petitioners. The dispute between the parties has been settled by way of compromise. In pursuance thereof, I have already received an amount of Rs.10 lacs in cash and balance amount of Rs.10 lacs has been paid to me today in the Court in cash. I have filed my affidavit in the Court which may be read as part of my statement. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are quashed against the petitioners in view of the settlement."

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.39 dated 11.06.2012 under Sections 420, 120-B IPC

registered in Police Station Maloud, District Khanna, Punjab and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

January 09, 2015.

Davinder Kumar