

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 26.02.2015

CRM-M-36771 of 2014

Baljinder Kumar Bhardwaj and others

---Petitioners

versus

State of Punjab and another

---Respondents

CRM-M-38462 of 201

Pawan Bhardwaj

---Petitioner

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Arun Jindal, Advocate
for the petitioners**

**Mr. Ankur Jain, AAG, Punjab
for the respondent-State**

None for respondent No. 2.

- 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.

**By way of this order, I shall dispose of CRM-38462 of 2013
and CRM-M- 36771 of 2014 as these have emerged out of the same FIR.**

**Through the present petitions filed under Section 482 of the
Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners pray for**

quashing of FIR No. 45 dated 8.5.2012 for offence punishable under Section 498-A of the Indian Penal Code (in short, 'IPC') (Section 406/34 IPC added later) registered in Police Station, City-II Malerkotla, District Sangrur and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Vide order dated 12.12.2014, 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 Sub Divisional Judicial Magistrate, Malerkotla wherein it has been reported that statements of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for the petitioners contends that Baljinder Kumar Bhardwaj, Rajinder Kumar Bhardwaj and Rani, petitioners in CRM- 36771 of 2014 filed the petition for quashing of the aforesaid FIR on the basis of compromise whereas Pawan Bhardwaj, petitioner in CRM-M- 38462 of 2013 prayed for quashing of the same criminal proceedings on merits. But during pendency of petition filed by Pawan Bhardwaj, the entire dispute has been settled between the parties and in pursuance thereof, statement of the complainant (Meenu Sharma) and all the petitioners in both the petitions have been recorded.

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 petitions are allowed and FIR No. 45 dated 8.5.2012 for offence punishable under Section 498-A IPC (Section 406/34 IPC added later) registered in Police Station, City-II Malerkotla, District Sangrur and proceedings emanating therefrom stand quashed qua the petitioners.

(REKHA MITTAL)
JUDGE

26.02.2015

PARAMJIT