

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

Crl. Misc. No. M-3937 of 2015

Date of decision: August 03, 2015

Aman Kakkar and another

....Petitioner(s)

Versus

State of Punjab and another

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

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

Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

This petition has been moved by the petitioners under Section 482 of the Code of Criminal Procedure, seeking quashing of case FIR No.193, dated 12.10.2014, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station, Zira, District-Ferozepur, on the basis of statement/compromise of respondent No.2 dated 18.11.2014 (Annexures P-2 and P-3) and affidavit dated 14.01.2015 of the petitioner-Aman Kakkar, alongwith all the subsequent proceedings arising therefrom.

Vide order dated 06.02.2015, notice of motion was issued and parties were directed to appear before the learned Illaqa Magistrate, Zira, District-Ferozepur to get their statements recorded with regard to compromise and the learned Illaqa Magistrate, Zira, District-Ferozepur was directed to send the report.

In compliance of order dated 06.02.2015, learned Sub Divisional Judicial Magistrate, Zira, District-Ferozepur has submitted his report vide letter dated 26.03.2015 which indicates that parties appeared before it and got recorded their respective statements with regard to validity of compromise. As per the report, compromise arrived at between the parties is genuine and without any pressure or coercion from any corner. Learned counsel for the petitioners states that now, no dispute survives between the parties.

Consequently, in view of compromise dated statement/compromise of respondent No.2 dated 18.11.2014 (Annexures P-2 and P-3) and affidavit dated 14.01.2015 of the petitioner-Aman Kakkar and keeping in view the law laid down by the Hon'ble Apex Court in the case of *Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429, Gian Singh vs. State of Punjab and another, 2012(4) R.C.R.(Criminal) 543, Narinder Singh and others vs. State of Punjab and another, 2014(2) R.C.R.(Criminal) 482* and Full Bench judgment of this Court in the case of *Kulwinder Singh and others vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052*, no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of exceptional cases where this Court should not exercise its inherent jurisdictional power to quash the criminal proceedings, as held in *Gian Singh (supra)* and *Narinder Singh and others (supra)*. In the facts and circumstances of this case, it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of the criminal proceedings would

amount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end.

The present petition is allowed. FIR No.193, dated 12.10.2014, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station, Zira, District-Ferozepur, is hereby quashed, on the basis of the statement/compromise of respondent No.2 dated 18.11.2014 (Annexures P-2 and P-3) and affidavit dated 14.01.2015 of the petitioner-Aman Kakkar, and all the criminal proceedings arising out of the said FIR also stand quashed.

It is, however, made clear that if the proceedings already stand concluded and conviction recorded in the present case, this order shall be treated non est and, thus, will have no bearing on the conviction and sentence order.

(PARAMJEET SINGH)
JUDGE

August 03, 2015
Anjal