

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-40395-2014

Date of decision : 21.02.2015

Munshi Paswan and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Daman Dhir, Advocate
for the petitioners.

Mr.P.S.Madahar, AAG, Punjab.

REKHA MITTAL, J.(ORAL)

The petitioners have prayed for quashing of FIR No.99 dated 20.09.2013, for offence under Sections 406, 498-A of the Indian Penal Code (in short "IPC") registered in Police Station Naya Gaon, District S.A.S.Nagar, Mohali on the basis of compromise dated 27.09.2014 (Annexure P3) effected between the parties.

The parties were directed to appear before the Illaqa Magistrate/trial Court on 22.01.2015 to get their statements recorded with regard to genuineness of compromise. Simultaneously, the trial Court was also directed to submit its report with regard to genuineness of the compromise arrived at between the parties.

A report has been submitted by the Judicial Magistrate Ist Class, Kharar, 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. It is also

reported that Sunita (complainant) in pursuance of compromise has joined back her husband and is leading a happy married life.

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 petition is allowed and FIR No.99 dated 20.09.2013, for offence under Sections 406, 498-A IPC registered in Police Station Naya Gaon, District S.A.S.Nagar, Mohali and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

February 21, 2015.

DK