

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

CRM-M-43309 of 2014

Date of Decision: March 13, 2015

Mahavir Singh

....Petitioner

VS

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Sandeep Jasuja, Advocate, for the petitioner.

Mr. M.S. Sidhu, Addl. AG. Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 350 dated 20.09.2013 under Sections 506, 498-A, 406, 323 and 34 IPC, registered at Police Station Sushant Lok District Gurgaon, on the basis of compromise, dated 20.09.2014 (Annexure P-2) which as per counsel had been entered into between the parties.

On 18.12.2014, this Court had directed the parties to appear before the Trial Court for recording of their statements in support of the compromise and a report as regards veracity of

the compromise had been called for.

Placed on record is a report dated 05.03.2015 of the J.M.I.C., Gurgaon, and a perusal thereof would reveal that the statements of the parties were duly recorded on 05.03.2015 itself and it has been opined that the compromise has been entered into voluntarily and without any pressure or coercion.

A Full Bench of this Court in case of ***Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R. (Criminal) 1052*** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end criminal prosecution in the light of any compromise that may have been effected even in relation to non-compoundable offences.

Adverting back to the facts of the present case the dispute between the parties, which was essentially matrimonial in nature, has since been resolved. The parties have taken a conscious decision to stay together in the matrimonial home.

Under such circumstances, criminal proceedings, if, permitted to continue on the basis of the registration of the impugned FIR would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No. 350 dated 20.09.2013 under Sections 506, 498-A, 406, 323 and 34 IPC, registered at Police Station Sushant Lok District Gurgaon, and all proceedings emanating therefrom, stand quashed.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

13.03.2015
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