

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

-.-

CRM M 768 of 2013

Date of decision: 26.02.2015

Harvinder Kumar

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. L M Gulati, Advocate
for the petitioner

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

Mr. Munish Bhardwaj,, Advocate
for respondent No. 2

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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.

Through the present petition, the petitioner has prayed for quashing of FIR No. 234 dated 13.09.2011 for offence under Sections 406, 498-A of Indian Penal Code (in short, 'IPC') registered in Police Station Division No. 6, Jalandhar, District Jalandhar and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

In the present case, a marital discord between the complainant/respondent No. 2 and the petitioner led to filing of said FIR. Now the matter has been settled by way of compromise. The complainant has also got recorded her statement before JMIC, Jalandhar stating therein

that since the matter has been compromised with accused Harvinder Kumar qua FIR No. 234 dated 13.09.2001, she does not want to proceed with the same. Certified copy of the statement suffered before the JMIC, Jalandhar by the complainant has been placed on record.

Vide order dated 10.10.2014, 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 the Judicial Magistrate First Class, Jalandhar wherein it has been reported that complainant Sandhya alias Veena has put in appearance and got recorded her statement that she has entered into compromise with the accused/petitioner without any coercion, threat or undue influence. It has also been reported that accused Harwinder Kumar did not put in appearance for recording his statement.

It is apt to mention that in another case (CRM M 806 of 2013 pending between the same parties) seeking quashing of FIR No. 109 dated 26.09.2001 registered in Police Station Division No. 5, Jalandhar, District Jalandhar at the behest of Sandhya alias Veena for offence punishable under Sections 494, 495 and 4230 IPC, accused/petitioner Harwinder Kumar had already got recorded his statement stating therein that the matter has been compromised, voluntarily and without any pressure.

Counsel for the State and counsel for respondent No.2 have not disputed factual position and 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 petition is allowed and FIR No. 234 dated 13.09.2011 for offence under Sections 406, 498-A IPC) registered in Police Station Division No. 6, Jalandhar, District Jalandhar and proceedings emanating therefrom stand quashed qua the petitioner.

(Rekha Mittal)
Judge

26.02.2015
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