IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4945 of 2015
Date of Decision: 21.05.2015

Vivek Kumar Pandey and others ....Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. R.S. Sihag, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

None for respondent No.2.

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SNEH PRASHAR, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short "Cr.P.C."), the petitioners pray for quashing of First Information Report No.78 dated 08.04.2009 for offence punishable under Sections406, 498-A and 323 of the Indian Penal Code (in short "I.P.C.") registered at Police Station Chandimandir, District Panchkula and subsequent proceedings emanating therefrom, on the basis of compromise (Annexure P2).

2. Vide order dated 20.03.2015, 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 Additional Chief Judicial Magistrate, Panchkula, wherein it has been reported that statements of the parties have been recorded and that they have voluntarily compromised the matter. Learned counsel for the State does not

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dispute genuineness of the compromise in view of the report of trial Court.

3. Learned counsel for the petitioners has filed a photocopy of order vide which petitioner No.1- Vivek Pandey has withdrawn the petition for divorce filed by him at Lucknow, which is taken on record subject to all just exceptions.

3. A perusal of allegations in the First Information Report 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 First Information Report No. No.78 dated 08.04.2009 for offence punishable under Sections406, 498-A and 323 of IPC registered at Police Station Chandimandir, District Panchkula and proceedings emanating therefrom stand quashed qua the petitioners.

(SNEH PRASHAR)
JUDGE

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