

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5156 of 2015 (O&M)

Date of Decision: 01.05.2015

Amrish Kumar & others

--Petitioners

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. H.P.S. Rahi, Advocate for the petitioners.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

Mr. D.S. Nigha, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C for quashing of F.I.R. No.50 dated 17.1.2012 under Sections 498-A, 406, 323, 34 I.P.C registered at Police Station, Panipat City, District Panipat.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 20.2.2015 had directed the parties to appear before the Trial Court for recording of their statements and a report with regard to veracity of the compromise had been called for.

Placed on record is a report dated 16.3.2015 of the learned J.M.I.C., Panipat and a perusal thereof would reveal that the statements of complainant namely Usha @ Mansi (respondent no.2 herein) as also of the accused (petitioners herein) have been recorded and it has been opined that the matter has been compromised and without any undue influence and coercion.

Even learned counsel appearing for the complainant makes a statement that the matter has been settled and now the complainant is

happily residing in the matrimonial home.

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 compromise that may have been effected between the parties even in relation to non-compoundable offences.

Adverting back to the facts of the present case, wherein the dispute which was essentially matrimonial in nature has been resolved and it would be construed as an abuse of the process of Court as well as of the law, if, the criminal prosecution based upon the impugned F.I.R is continued.

Accordingly, present petition is allowed. F.I.R. No.50 dated 17.1.2012 under Sections 498-A, 406, 323, 34 I.P.C registered at Police Station, Panipat City, District Panipat and all proceedings emanating therefrom, stand quashed.

Petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

01.05.2015
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