

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

CRM No.M-6554 of 2015 (O&M)

Date of decision: 12.05.2015

Lakhbir Singh & others

... Petitioners

Versus

State of Haryana & another

... Respondents

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

Present: Mr. Shiv Kumar, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.128 dated 08.04.2011 under Sections 498-A/406/323/34/506 IPC registered at Police Station Saran, District Faridabad.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 27.02.2015 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 27.04.2015 of the learned Judicial Magistrate 1st Class, Faridabad and a perusal thereof would reveal that statements of the complainant, Jasbir Kaur (respondent No.2) as also of the accused (petitioners herein) were duly recorded and it has been opined that a compromise has been effected voluntarily and without any pressure or coercion.

A Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (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 the 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, the parties have amicably resolved the dispute which was matrimonial in nature and a conscious decision has been taken by the parties to live in peace and harmony.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It 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.128 dated 08.04.2011 under Sections 498-A/406/ 323/34/506 IPC registered at Police Station Saran, District Faridabad and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

12.05.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE