

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-9619-2014

Date of decision : 20.01.2015

Happy Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Vishavjeet Singh, Advocate
for the petitioner.

Mr.Sandeep Kumar Bansal, AAG, Punjab.

Mr.Gurmeet Singh, Advocate
for respondent No.2.

REKHA MITTAL, J.(ORAL)

The petitioner has prayed for quashing of FIR No.224 dated 17.10.2013 under Section 365 of the Indian Penal Code (in short "IPC") registered in Police Station Salem Tabri, District Ludhiana.

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Anju Kaur. Now the matter has been amicably settled between the parties.

Anju Kaur complainant-respondent No.2 and her husband Raju Singh-respondent No.3 in person are present in Court. Affidavits of Anju Kaur and Raju Singh filed in the Court are taken on record. Their joint statement was recorded in the Court. An extract from their statement is quoted thus:-

"FIR No.224 dated 17.10.2013 for offence punishable under Sections 365,120-B IPC was lodged at the instance of Anju Kaur in Police Station Salem Tabri, Ludhiana. The dispute between the parties has been settled by way of compromise as both the parties are closely related to

one another. We have filed our affidavits today in the Court which may be read as part of our statement. We have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed.”

Counsel for the petitioner submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Counsel for the State has not disputed correctness of the contention of the petitioner.

I have heard counsel for the parties and perused the records.

A perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court of India 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 view of what has been discussed hereinabove, the petition is allowed and FIR No.224 dated 17.10.2013 under Section 365 IPC registered in Police Station Salem Tabri, District Ludhiana and proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

(REKHA MITTAL)
JUDGE

January 20, 2015.

DK