

**In the High Court of Punjab and Haryana at Chandigarh**

**Crl. Misc. No. M-11801 of 2016  
Date of Decision: 21.12.2016**

Vipin Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Ms. Payel Mehta, Advocate  
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

Respondent No. 2 in person along with  
Mr. Krishan Sehajpal, Advocate.

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**ANITA CHAUDHRY, J(ORAL)**

The instant petition is for quashing of FIR No. 52 dated 28.3.2015 registered under Sections 323, 341, 354 IPC, Police Station Rupnagar and all the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

Report has been received from the trial Court after statements of the parties were recorded regarding the compromise. The trial Court has reported that the complainant has appeared and had made a statement that she had received Rs. 12,00,000/- but Vipin had agreed to pay Rs. 3,00,000/- more though it was not part of the compromise but it was agreed to be paid in lieu of the settlement.

The complainant is present and she states that it was agreed that

the petitioner would pay an additional amount. She admits that in the recorded settlement there is no reference to the payment of any other amount. The complainant admits that the petition under Section 13-B had been allowed and a decree of divorce had been passed in September 2016. Copy of the judgment has also been placed on record by the petitioner.

No complaint had been made by the complainant against her counsel or the witnesses who had signed the settlement deed. The petitioner has already complied with the conditions he had agreed upon. The complainant is backing out of the arrangement and it cannot be accepted. She is not ready to return the amount.

In this view of the matter, the Court is of the considered opinion that continuance of prosecution against the petitioner would be an abuse of process of law. Reference can also be made to **Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR(Crl.) 697, Rajesh & Ors. Vs. State of Haryana & Ors. 2013(1) Law Herald (P&H) 909, Shlok Bhardwaj Vs. Runika Bhardwaj & Ors. 2015(1) RCR(Crl.) 249 and Jitender Bhargav Vs. State of Haryana & Anr. (Crl.Misc.No.M-34829 of 2014, decided by this Court on 21.05.2015).**

Furthermore, in the case of **State of Haryana & Ors. Vs. Ch. Bhajan Lal & Ors. 1991(1) RCR (Crl.) 383 (SC)**, the Hon'ble Supreme Court had observed that where continuance of prosecution is abuse of process of law, the Court would be within its power to quash the complaint/FIR.

There is no legal impediment in exercising the powers under Section 482 Cr.P.C. considering the facts of the case. Therefore, in view of the discussion made above, the instant petition is allowed and the

quashed.

**(ANITA CHAUDHRY)  
JUDGE**

**December 21, 2016**  
Gurpreet

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|----------------------------------|----------|------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>No</b>  |