

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

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Crl. Misc. M 10050 of 2016

Date of decision: 01.05.2017

Rajinder Singh

..... *Petitioner*

Versus

State of Punjab and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Vishal Deep Goyal, Advocate
for the petitioner

Mr. Mikhail Kad, AAG, Punjab

Mr. Shiv Kumar Sharma, Advocate
for respondent No. 2

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Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioner prays for quashing of FIR No.135 dated 13.08.2014 for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short, 'IPC') registered with Police Station Goraya, District Jalandhar City and proceedings emanating therefrom on the basis of settlement dated 24.12.2015 (Annexure P-2) arrived at between the parties before the Additional District and Sessions Judge, Jalandhar during hearing of divorce petition.

Counsel for the petitioner states that the petitioner and respondent No. 2 have mutually decided to resolve their dispute and also decided to part ways vide settlement deed dated 24.12.2015 arrived at between the parties.

Vide order dated 30.01.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded with

regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Phillaur, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of report of the Court below.

Counsel for respondent No. 2 has conceded to the position.

A perusal of allegations in the FIR 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 FIR No.135 dated 13.08.2014 for offence punishable under Sections 406 and 498-A IPC registered with Police Station Goraya, District Jalandhar City and proceedings emanating therefrom on the basis of compromise dated 24.12.2015, stand quashed qua the petitioner.

(Rekha Mittal)
Judge

01.05.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No