

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

-.-

CrI. Misc. M 14015 of 2016

Date of decision: 21.03.2017

Nitin Sharma and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Jagmeet Saini,
for the petitioners

Mr. Mikhail Kad, AAG, Punjab
Mr. Nitin Narula, Advocate
for respondent No. 2

-.-

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 139 dated 16.09.2014 for offence punishable under Sections 498-A and 406 of the Indian Penal Code (in short, 'IPC') registered with Police Station Kharar, District SAS Nagar, Mohali and proceedings emanating therefrom on the basis of compromise dated 02.04.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that petitioner No. 1 and respondent No. 2 have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 02.04.2016.

Vide order dated 05.09.2016, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub
Divisional Judicial Magistrate, Kharar wherein it has been reported that

statements of petitioner No. 2 and respondent No. 2 have been recorded and they have voluntarily compromised the matter. It has also been reported that petitioner No. 1- Nitin Sharma has not come present to record his statement.

Counsel for the State does not dispute genuineness of the compromise in view of report of the trial Court. He also states that the present petition may only be allowed qua petitioner No. 2 as petitioner No. 1 did not cause appearance before the trial Court.

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. 139 dated 16.09.2014 for offence punishable under Sections 498-A and 406 IPC registered with Police Station Kharar, District SAS Nagar, Mohali and proceedings emanating therefrom on the basis of compromise dated 02.04.2016, stand quashed qua petitioner No. 2 only.

(Rekha Mittal)
Judge

21.03.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No