

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

CRM No.M-13619 of 2015 (O&M)

Decided on: 21.04.2017

Anil Kumar and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : None for the petitioners.

Ms. Shivali, AAG, Punjab.

None for respondent No.2.

REKHA MITTAL, J. (Oral)

CRM No.37668 of 2015

Heard.

Allowed as prayed for.

Annexures P3 to P8 are taken on record subject to just exceptions.

Disposed of accordingly.

MAIN CASE

The petitioners have prayed for quashing of FIR No.59 dated 04.07.2014, for offence under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered in Police Station Kanwan, District Pathankot on the basis of compromise effected between the parties.

The parties were directed to appear before the Illaqa Magistrate on 09.03.2017 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Chief Judicial Magistrate, Pathankot, wherein it has been reported that statements of

the petitioners and respondents No.2 (complainant) have been recorded and statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for the State has not disputed that the parties i.e. petitioners and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

I have heard counsel for the parties and perused the case file.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in ***“Gian Singh vs 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.59 dated 04.07.2014, for offence under Sections 406 and 498-A IPC registered in Police Station Kanwan, District Pathankot and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioners.

21.04.2017

yakub

(REKHA MITTAL)
JUDGE