

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

CRM-M No. 14726 of 2016(O&M)

Date of decision: 18.01.2017

Shiv Kumar and others

....Petitioners

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. A.K. Gahlawat, Advocate for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

Mr. S.K. Chauhan, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 281 dated 20.11.2013 for offence punishable under Sections 498-A, 406 and 506 of the Indian Penal Code (in short 'IPC') registered at Police Station Rajendra Park, District Gurgaon and proceedings emanating therefrom on the basis of compromise deed and affidavit with regard to compromise (Annexures P-2 and P-5) arrived at between the parties.

Counsel for the petitioners states that the petition qua petitioners No.2 to 5 may be dismissed as withdrawn as these petitioners were not challaned by the police and were kept in column No.2 of the report under Section 173 (2) of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.').

In view of the statement of counsel for the petitioners, petition qua petitioners No.2 to 5 stands dismissed as withdrawn.

In the present case, the FIR was registered on the statement of Archana daughter of Mahavir. Now, dispute between the parties has been resolved by way of compromise and compromise deed and affidavit in regard thereto are Annexures P-2 and P-5.

Vide order dated 10.08.2016, 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 District and Sessions Judge, Gurgaon wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner No.1 and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

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 Cr.P.C. Keeping in view 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 discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No. 281 dated 20.11.2013 under Sections 498-A, 406 and 506 IPC registered at Police Station Rajendra Park, District Gurgaon and proceedings emanating therefrom stand quashed qua petitioner No.1.

JANUARY 18, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no