

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

**CRM No.M-15807 of 2016
Date of decision: 17.04.2017**

Upender and others	Versus	...Petitioners
State of Haryana and another		...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Goyal, Advocate for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Respondent No.2 – Babita in person.

REKHA MITTAL J. (Oral)

The petitioners pray for quashing of FIR No.736 dated 05.11.2012 for offence punishable under Sections 498-A, 406, 506, 323 read with Section 34 of the Indian Penal Code (in short 'IPC') registered at Police Station Hansi City, District Hisar and proceedings emanating therefrom on the basis of compromise (Annexure P3) arrived at between the parties.

Counsel for the petitioners has submitted that dispute between the parties has been settled by way of compromise (Annexure P3). It is further submitted that continuation of criminal proceedings on the basis of aforesaid FIR lodged at the instance of the complainant/respondent No.2 would be nothing but abuse and misuse of process of law.

Babita, complainant/respondent No.2 filed her affidavit dated 17.04.2017 with regard to settlement of dispute between the parties. A relevant extract from paras 3 to 5 of the affidavit reads as follows:-

“3. That now with the intervention of respected elders and family members we have resolved all our differences and disputes amicably, thereafter filed and obtained mutual consent divorce decree from Hon'ble Court of District Judge (Family Court) Hisar after second motion on 29.03.2016.

4. That we both parties have resolved out dispute and now nothing is due against each other.

5. That I have no objection if FIR No.736 dated 05.11.2012 at Police Station City Hansi be quashed by the Hon'ble Court of Punjab and Haryana, Chandigarh.”

Not only this, the complainant/respondent No.2 – Babita got recorded her statement dated 17.04.2017 and an extract therefrom reads as follows:-

Statement of Babita daughter of Sh. Ram Kumar, aged 33 years, resident of Kali Devi Mandir, G.T. Road, Tehsil Hansi, District Hisar.

On SA

I have filed my affidavit today in the Court and the same may be read as a part of my statement. Dispute between me, my husband – Upender and his family members has been settled by way of compromise (Annexure P3). My marriage with Upender has been dissolved by a decree of divorce dated 29.03.2016. I have got no objection if FIR No.736 dated 05.11.2012 under Sections 498-A, 406, 506, 323 read with Section 34 IPC lodged at my instance in Police Station Hansi City, District Hisar and proceedings emanating therefrom are ordered to be quashed. None of the petitioners is proclaimed offender nor any proceedings in this regard are pending.

*RO&AC
17.04.2017*

*(REKHA MITTAL)
JUDGE*

Counsel for the State has conceded to the contentions raised by counsel for the petitioners that the parties have amicably resolved their differences.

I have heard counsel for the parties, perused the paperbook particularly compromise deed dated 02.04.2016, affidavit of the complainant dated 17.04.2017 and her statement recorded before this Court.

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.736 dated 05.11.2012 for offence punishable under Sections 498-A, 406, 506, 323 read with Section 34 IPC registered at Police Station Hansi City, District Hisar and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioners.

17.04.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No