

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

**CRM No.M-16419 of 2016
Decided on: 11.01.2017**

Rajinder Saini

....Petitioner

Versus

State of U.T. and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Sachin Jain, Advocate
for the petitioner.

Mr. Sukant Gupta, Addl. P.P., U.T., Chandigarh.

Mr. Rahul Rampal, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

The petitioners have prayed for quashing of FIR No.114 dated 11.05.2011, for offence under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered in Police Station Sector 19, Chandigarh on the basis of compromise dated 13.04.2016 (Annexure P4 Colly.) effected between the parties.

In the present case, the FIR was registered at the instance of Reema Saini wife of Dalip Saini. Now, dispute between the parties has been resolved by way of compromise (Annexure P4 Colly.).

Vide order dated 05.12.2016, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Chandigarh, wherein it has been reported that statements of the parties have been recorded and that they have

voluntarily compromised the matter.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioner 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 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.114 dated 11.05.2011, for offence under Sections 406 and 498-A IPC registered in Police Station Sector 19, Chandigarh and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioner.

11.01.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No