

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

CRM No.M-17867 of 2016 (O&M)

Date of decision: 08.02.2017

Surinder Kaur @ Chhindo and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sarju Puri, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Jagatpal Singh, Advocate
for respondent No.2.

REKHA MITTAL J. (Oral)

CRM No.24881 of 2016

Heard.

Allowed as prayed for.

Annexures P3 to P5 are taken on record subject to just
exceptions.

Disposed of accordingly.

CRM No.1582 of 2017

Heard.

Allowed as prayed for.

Annexure P7 is taken on record subject to just exceptions.

Disposed of accordingly.

CRM No.1583 of 2017

Counsel for the applicant/petitioners states that the
application may be dismissed as withdrawn.

Ordered accordingly.

MAIN CASE

Reply by way of affidavit of Jagjit Singh, P.P.S., AIG, NRI, Jalandhar on behalf of respondent No.1 filed in the Court is taken on record.

The petitioners pray for quashing of FIR No.5 dated 16.10.2012 for offence punishable under Sections 498-A and 406 of the Indian Penal Code (in short 'IPC') registered at Police Station NRI, District S.B.S. Nagar and proceedings emanating therefrom on the basis of compromise dated 18.05.2016 (Annexure P2) arrived at between the parties.

Counsel for the petitioners has submitted that as dispute between the parties has been settled by way of compromise (Annexure P2), 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. It is further submitted that petitioner No.3 was proclaimed offender but he surrendered before the Court below.

Counsel for the State of Punjab concedes to this position and submits that petitioner No.3 surrendered before the trial Court on 04.01.2017.

Sukhbir Kaur, complainant filed reply by way of affidavit dated 16.07.2016 with regard to settlement of dispute between the parties. A relevant extract from paras 3 and 4 of the affidavit reads as follows:-

“3. That the matrimonial dispute relating to the aforesaid FIR has been amicably resolved between the

parties with the intervention of respectable persons and common Panchayat vide written compromise dated 18.05.2016 (Annexure P2). The said compromise has been arrived at without any pressure or undue influence from any quarter and the same has been signed by the deponent/respondent No.2 in token of its correctness keeping in view her best interests.

4. That the deponent/respondent No.2 shall have no objection in case the aforesaid FIR No.5 dated 16.10.2012 (Annexure P1) along with all subsequent proceedings arising therefrom are quashed by this Hon'ble Court on the basis of the written compromise dated 18.05.2016 (Annexure P2).

Not only this, Smt. Sukhbir Kaur got recorded her statement dated 08.02.2017 and an extract therefrom reads as follows:-

Statement of Sukhbir Kaur daughter of late Sardar Gopal Singh Kahlon, aged 42 years, resident of Mohalla Gobindgarh, Nawanshahar, District SBS Nagar.

FIR No.05 dated 16.10.2012 for offence punishable under Sections 498-A and 406 IPC was registered at my instance in Police Station NRI, District S.B.S. Nagar. The dispute between the parties has been settled by way of compromise (Annexure P2) already on record. I have filed my affidavit dated 16.07.2016 (Marck C1) which may be read as a part of my statement. I have received an amount of Rs.4,00,000/- by way of demand draft in the Court as per compromise. Nothing remains due to be payable to me. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed.

RO&AC
08.02.2017

(REKHA MITTAL)
JUDGE

Counsel for respondent No.2 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 statement of the complainant recorded by the Family Court on 25.05.2016, reply of the complainant dated 16.07.2016 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.5 dated 16.10.2012 under Sections 498-A and 406 IPC registered at Police Station NRI, District S.B.S. Nagar and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioners.

08.02.2017
yakub

(REKHA MITTAL)
JUDGE

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