

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

**CRM No.M-2329 of 2015 (O&M)
Date of decision: 30.05.2017**

Jasbir Singh @ Jassa and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sarbjit Singh, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. G.S. Thind, Advocate for respondent No.3.

REKHA MITTAL J. (Oral)

The petitioners pray for quashing of FIR No.150 dated 18.08.2011 for offence punishable under Sections 363, 366 read with Section 34 of the Indian Penal Code (in short 'IPC') registered at Police Station Sadar, Amritsar, District Amritsar and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Counsel for the petitioners has submitted that dispute between the parties has been settled by way of compromise. 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 namely Paramjit Kaur would be nothing but abuse and misuse of process of law.

Rajwinder Kaur, daughter of the complainant/respondent No.3 filed her affidavit dated 30.05.2017 with regard to settlement of dispute between the parties. A relevant extract from paras 2 and 3 of the

affidavit reads as follows:-

“2. That the deponent is happily residing with her husband Jasbir Singh and out of this wedlock two daughters namely Sehajpreet Kaur and Mehakpreet Kaur were born 01.06.2013 and 20.01.2017.

3. That the deponent is residing with her husband and her mother Paramjit Kaur had registered a totally false case against the petitioners whereas she was never abducted by them. In case this Hon'ble Court quash the above said FIR, then the deponent shall not be having any objection.”

Not only this, daughter of the complainant/respondent No.3 namely Rajwinder Kaur got recorded her statement dated 30.05.2017 and an extract therefrom reads as follows:-

Statement of Rajwinder Kaur wife of Jasbir Singh @ Jassa daughter of late Jasbir Singh, aged 25 years, resident of village Bhalowali, Tehsil Batala, District Gurdaspur.

On SA

FIR No.150 dated 18.08.2011 under Sections 363, 366 read with Section 34 IPC was registered at the instance of Paramjit Kaur, my mother with regard to my kidnapping. I voluntarily performed marriage with Jasbir Singh – petitioner No.1 on 12.08.2011 and out of our wedlock there are two children born on 01.06.2013 and 20.01.2017. I have filed my affidavit today in the Court which may be read as a part of my statement. I am leading a blissful married life along with my minor children while residing in the matrimonial home. In the interest of my matrimony, FIR lodged at the behest of my mother may be quashed.

RO&AC
30.05.2017

(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 and further states that neither the petitioners have been declared as proclaimed offender nor any proceedings in this regard are pending.

I have heard counsel for the parties, perused the paperbook particularly affidavit of daughter of the complainant dated 30.05.2017 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.150 dated 18.08.2011 for offence punishable under Sections 363, 366 read with Section 34 IPC registered at Police Station Sadar, Amritsar, District Amritsar and proceedings emanating therefrom are ordered to be quashed *qua* the petitioners.

30.05.2017
yakub

(REKHA MITTAL)
JUDGE

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