

In the High Court of Punjab and Haryana at Chandigarh

CRM-M- 2478 of 2017

Date of Decision:28.4.2017

Kamaldeep Kinger and others

---Petitioners

vs.

The U.T. of Chandigarh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Harish Chhabra, Advocate
for the petitioners
Mr. A.S.Sullar, Addl. PP for UT Chandigarh
Mr. Ankit Chaudhary, Advocate
for respondent No. 4

Rekha Mittal, J.

By invoking Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 105 dated 26.4.2014 for offence punishable under Sections 406, 498-A read with Section 34 of the Indian Penal Code (in short, 'IPC') registered at Police Station, Sector-26, Chandigarh and proceedings emanating therefrom on the basis of compromise dated 21.12.2016 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Anita @ Neetu wife of Kamaldeep Kinger. Now, dispute between the parties has been resolved by way of compromise (Annexure P-2).

Vide order dated 27.1.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by Additional Chief Judicial Magistrate, Chandigarh wherein it has been reported that

statements of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for UT Chandigarh and respondent No. 4 have not disputed that the parties i.e. petitioners and respondent No. 4 (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 that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the 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 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.

For the foregoing reasons, the petition is allowed and FIR No. 105 dated 26.4.2014 for offence punishable under Sections 406, 498-A read with Section 34 IPC registered at Police Station, Sector-26, Chandigarh and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

28.4.2017
paramjit

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