

CRM -M-27734 of 2016

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 28.4.2017

CRM -M-27734 of 2016

Subhash Sharma

---Petitioner

versus

State of Punjab and another

---Respondents

CRM -M-43967 of 2016

Sarla Sharma and others

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Naresh Chander, Advocate
for Mr. R.S.Chauhan, Advocate
for the petitioner**

Mr. Mikhail Kad, AAG, Punjab

**Mr. Vishal Goel, Advocate
for respondent No.2**

Rekha Mittal, J.

By way of this order, I shall dispose of of CRM-M- 27734 of 2016 and CRM M-43967 of 2016 as these have emerged out of the same FIR.

By invoking Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No.6 dated 22.1.2011 for offence punishable under Sections 498-A, 506 of the Indian Penal Code (in short, 'IPC') registered in Police Station, Division No. 1,

Pathankot District Pathankot and proceedings emanating therefrom on the basis of compromise dated 6.8.2016 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Manju Sharma wife of Subhash Sharma. Now, dispute between the parties has been resolved by way of compromise (Annexure P-2).

Vide order dated 18.11.2016, 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 Chief Judicial Magistrate, Pathankot wherein it has been reported that statements of the parties have been recorded and 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 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 petitions are allowed and FIR No.6 dated 22.1.2011 for offence punishable under Section 498-A, 506 IPC registered in Police Station, Division No. 1, Pathankot District Pathankot 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