

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

-.-

Crl. Misc. M 27938 of 2016
Date of decision: 06.04.2017

Anuj Vashisht

..... Petitioner

Versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R S Hooda, Advocate
for the petitioner

Mr. Pawan Garg, AAG, Haryana

None for respondent No. 3

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Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioner prays for quashing of FIR No.642 dated 16.12.2014 for offence punishable under Section 406 and 498-A of the Indian Penal Code (in short, 'IPC') registered with Police Station Sarai Khawaja, District Faridabad and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Counsel for the petitioner states that the petitioner and respondent No. 3 have settled their dispute by way of compromise. Further, a decree of divorce by way of mutual consent has also been granted on 01.07.2016 by the Family Court, Faridabad.

Vide order dated 09.01.2017, the parties were directed to appear before the Illaqa Magistrate/Duty Magistrate to get their statements

recorded with regard to genuineness of compromise.

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

Counsel for the State does not dispute genuineness of the compromise in view of report of Judicial Magistrate Ist Class, Faridabad.

There is no representation on behalf of respondent No. 2.

A 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.

In this view of the matter, the petition is allowed and FIR No.642 dated 16.12.2014 for offence punishable under Section 406 and 498-A IPC registered with Police Station Sarai Khawaja, District Faridabad and proceedings emanating therefrom on the basis of compromise, stand quashed qua the petitioner.

(Rekha Mittal)
Judge

06.04.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No