

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

**CRM No.M-2864 of 2017
Date of decision: 06.04.2017**

Rehmatullah @ Rehmat Miswahi and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Saurabh Kapoor, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

Respondent No.2 – Ajmati Khatoon in person.

REKHA MITTAL J. (Oral)

The petitioners pray for quashing of FIR No.94 dated 31.08.2016 for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered at Police Station Women Cell, Ludhiana and proceedings emanating therefrom on the basis of compromise dated 04.10.2016 (Annexure P2) arrived at between the parties.

Counsel for the petitioners has submitted that dispute between the parties has been settled by way of compromise (Annexure P2) and the petitioners have already paid an amount of Rs.1,90,000/- as permanent alimony. 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 would be nothing but abuse and misuse

of process of law.

Ajmati Khatoon, complainant/respondent No.2 filed her affidavit dated 06.04.2017 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 subsequently on the intervention of the elders of the family a Panchayati compromise dated 04.10.2016 has been arrived between the deponent and her husband and other family members and the said marriage was dissolved by way of Panchayat Divorce dated 04.10.2016.

4. That in lieu of the compromise, the deponent has received a sum of Rs.1,90,000/- as full and final payment from Rehmatullah and nothing stands due against each other. The deponent has no objection, if the abovesaid FIR is quashed in CRM-M No.2864 of 2017.”

Not only this, the complainant/respondent No.2 – Ajmati Khatoon got recorded her statement dated 06.04.2017 and an extract therefrom reads as follows:-

Statement of Ajmati Khatoon daughter of Ajalodeen Ansari, aged 20 years, resident of village Vander Jhula, Ward No.08, Thana Sonbarsa, District Sitamarhi, Bihar, Pin Code 843317.

On SA

I tendered into evidence my affidavit which may be read as a part of my statement. FIR No.94 dated 31.08.2016 under Sections 406 and 498-A IPC was registered at my instance against the petitioners. None of the petitioners are either proclaimed offender nor any proceedings in this regard are pending. Dispute between me and the petitioners has been settled by way of

compromise (Annexures P2 to P4). I have already received an amount of Rs.1,90,000/- on the basis of compromise. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed against the petitioners.

RO&AC
06.04.2017

(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.

I have heard counsel for the parties, perused the paperbook particularly compromise deed dated 04.10.2016, affidavit of the complainant dated 06.04.2017 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.94 dated 31.08.2016 for offence punishable under Sections 406 and 498-A IPC registered at Police

Station Women Cell, Ludhiana and proceedings emanating therefrom
are ordered to be quashed, *qua* the petitioners.

06.04.2017
yakub

(REKHA MITTAL)
JUDGE

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