

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

CRM-M No. 29705 of 2016(O&M)

Date of decision: 19.4.2017

Balbir Singh and others

....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. N.S. Diwana, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Yashpal Markan, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 43 dated 08.06.2015 for offence punishable under Sections 406, 498-A, 323 of the Indian Penal Code, 1860 registered at Police Station Naya Gaon, Mohali District SAS Nagar and proceedings emanating therefrom on the basis of compromise (Annexure P-2/T) arrived at between the parties.

In the present case, the FIR was registered on the statement of Balbir Kaur wife of Balbir Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-2/T.

Vide order dated 23.01.2017, 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 the Judicial Magistrate Ist Class, Kharar wherein it has been reported that statements of

the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State has not disputed that the parties i.e. petitioners 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 the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view 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 discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No. 43 dated 08.06.2015 under Sections 406, 498-A, 323 IPC registered at Police Station Naya Gaon, Mohali District SAS Nagar and proceedings emanating therefrom stand quashed qua the petitioners.

APRIL 19, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no