

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

**CRM No.M-31697 of 2016
Decided on: 03.05.2017**

Rohit Kumar and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Dinesh Nagar, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

REKHA MITTAL, J. (Oral)

Counsel for the petitioners has submitted that petitioner No.2 has since passed away.

Accordingly, the petition qua him stands abated.

The petitioners have prayed for quashing of FIR No.2 dated 05.01.2010, for offence under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered in Police Station City S.B.S. Nagar on the basis of compromise dated 31.08.2016 (Annexure P5) effected between the parties.

In the present case, the FIR was registered at the instance of Rani Arman daughter of Mangu Ram. Now, dispute between the parties has been resolved by way of compromise (Annexure P2).

The parties were directed to appear before the Illaqa Magistrate/trial Court on 14.02.2017 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, wherein it has been reported that statements of the petitioners and respondents No.2

(complainant) have been recorded and statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

Counsel for the State has not disputed that the parties have arrived at a settlement with an intent to give burial to their differences.

I have heard counsel for the parties and perused the case file.

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.2 dated 05.01.2010, for offence under Sections 406 and 498-A IPC registered in Police Station City S.B.S. Nagar and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioners except petitioner No.2.

03.05.2017
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(REKHA MITTAL)
JUDGE

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