

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-3221 of 2017

Date of Decision: 26.4.2017

Ajay Diwan and others

---Petitioners

versus

State of Haryana and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Saurabh Gulia , Advocate
for the petitioners**

Mr. Amrik Narwal, DAG, Haryana

**Mrs. Pratibha Yadav, Advocate
for respondent No.2**

Rekha Mittal, J.

By invoking Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 560 dated 5.10.2012 for offence punishable under Sections 498-A, 406 and 323 of the Indian Penal Code (in short, 'IPC') registered with Police Station, Gurgaon City, District Gurgaon and proceedings emanating therefrom on the basis of compromise dated 17.9.2015 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Neetu Diwan daughter of Vijay Kumar Gulati. Now, dispute between the parties has been resolved by way of compromise (Annexure P-2).

Vide order dated 2.2.2017, 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 Judicial Magistrate Ist Class, Gurgaon 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.

Respondent No. 2, present in person got recorded her statement. A relevant extract therefrom is extracted below:-

“I have received an amount of Rs. 1,00,000/-, balance amount, in cash, today in the Court in pursuance of settlement between the parties. I have got no objection if the FIR and the proceedings emanating therefrom are quashed.”

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 petition is allowed and FIR No. 560 dated 5.10.2012 for offence punishable under Sections 498-A, 406 and

323 IPC registered with Police Station, Gurgaon City, District Gurgaon and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

26.4.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No