

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

-.-

Crl. Misc. M 34313 of 2016

Date of decision: 26.05.2017

Sachin Kumar

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Nikunj Dhawan, Advocate for
Mr. A K Sharma, Advocate
for the petitioner
Mr. Neeraj Sharma, AAG, Punjab
Mr. Dimple Sharma, Advocate
for respondent No. 2

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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.166 dated 18.12.2011 for offence punishable under Sections 406, 498-A, 323 and 324 of the Indian Penal Code (in short, 'IPC') registered with Police Station Goraya, District Jalandhar and proceedings emanating therefrom on the basis of compromise dated 16.07.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner states that the petitioner and respondent No. 2 have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 16.07.2016.

Vide order dated 12.01.2017, 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 the Judicial Magistrate Ist Class, Phillaur 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 the Court below.

Counsel for respondent No. 2 concedes to the position

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.166 dated 18.12.2011 for offence punishable under Sections 406, 498-A, 323 and 324 IPC registered with Police Station Goraya, District Jalandhar and proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioner. The parties shall remain bound by the terms and conditions of compromise.

(Rekha Mittal)
Judge

26.05.2017
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Whether speaking/reasoned	:	Yes/No
whether reportable	:	Yes/No