

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

-.-

Crl. Misc. M 33618 of 2014
Date of decision: 30.01.2017

Toyyab and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Mohan Singh Rana, Advocate for
Mr. S K Panwar, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Ms Chhavi, 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 petitioners have prayed for quashing of FIR No.143 dated 09.08.2014 for offence punishable under Section 366 read with Section 120-B of the Indian Penal Code (in short, 'IPC') registered with Police Station Navi Baradari, District Jalandhar and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

Counsel for the petitioners has submitted that Mamta Mehmi, the alleged kidnapped girl after attaining the age of majority performed marriage with petitioner No. 1.

Mamta Mehmi has filed her affidavit in Court stating that her date of birth is 11.01.1993. She has also stated in her affidavit that she performed marriage with petitioner No. 1 and is happily residing with him.

Counsel for respondent No. 2 concedes to the position that dispute between the parties has been settled by way of compromise and has no objection if the said FIR and proceedings emanating therefrom are quashed.

Vide order dated 15.01.2015, the parties were directed to appear before the 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, Jalandhar 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 the report of trial Court.

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.143 dated 09.08.2014 for offence punishable under Section 366 read with Section 120-B of the Indian Penal Code (in short, 'IPC') registered with Police Station Navi Baradari, District Jalandhar and proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioners.

(Rekha Mittal)
Judge

30.01.2017
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Whether speaking/reasoned	:	Yes/No
whether reportable	:	Yes/No