IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Crl. Misc. M 36723 of 2016
Date of decision: 27.04.2017

Kamlinder Singh and others ..... *Petitioners*

Versus

State of Punjab and another .....*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr. Bhupender Ghai, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Mr. Arun Singla, 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. 51 dated 23.05.2015 for offence punishable under Sections 498-A and 406 of the Indian Penal Code (in short, 'IPC') registered with Police Station Phase 11, District SAS Nagar Mohali and proceedings emanating therefrom on the basis of compromise dated 15.09.2016 (Annexure P-1) arrived at between the parties.

Counsel for the petitioners states that petitioner No. 3 - husband and respondent No. 2/complainant have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 15.09.2016.

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Vide order dated 26.10.2016, 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 Additional Chief Judicial Magistrate, SAS Nagar, Mohali wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the petitioners as well as counsel for respondent No. 2/complainant are *ad idem* that even a decree of divorce by way of mutual consent has been passed on 21.04.2017.

Counsel for the State does not dispute genuineness of the compromise in view of report of the Court below.

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. 51 dated 23.05.2015 for offence punishable under Sections 498-A and 406 IPC registered with Police Station Phase 11, District SAS Nagar Mohali

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and proceedings emanating therefrom on the basis of compromise dated 15.09.2016, stand quashed qua the petitioners.

(Rekha Mittal)
Judge

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

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