

CRM -M-38165 of 2016

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-38165 of 2016

Date of Decision: 23.3.2017

Thalwinder Singh Sandhu and others

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Nitesh Singh, Advocate
for the petitioners**

Mr. Mikhail Kad, AAG, Punjab

**Mr. Gaurav Grover, 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. 78 dated 26.5.2014 for offence punishable under Sections 498-A, 406, 420, 494, 120-B of the Indian Penal Code (in short, 'IPC') registered in Police Station, Khamano, District Fatehgarh Sahib and proceedings emanating therefrom on the basis of statements of both the parties (Annexures P-3 and P-4).

In the present case, the FIR was registered on the statement of Damanpreet Kaur daughter of Mohinder Singh. Now, dispute between the parties has been resolved.

Counsel for the petitioners would submit that in view of settlement between the parties, entire payment has already been made to the respondent/complainant.

Counsel for the complainant/respondent No. 2 concedes to factum of receipt of payment by the complainant in terms of the compromise.

Counsel for the State submits that none of the petitioner is a proclaimed offender nor proceedings in this regard are pending.

Vide order dated 16.2.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by Sub divisional Judicial Magistrate, Khamano 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. petitioners and respondent No. 2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

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. 78 dated 26.5.2014 for offence punishable under Sections 498-A, 406, 420, 494, 120-B IPC registered in Police Station, Khamano, District Fatehgarh Sahib and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

23.3.2017
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No