

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

**CRM No.M-38332 of 2016
Decided on: 03.03.2017**

Sandeep Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.S. Brar, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. A.P. Kaushal, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

The petitioners have prayed for quashing of FIR No.85 dated 01.07.2016, for offence under Sections 307, 328, 498-A read with Section 34 of the Indian Penal Code (in short 'IPC') registered in Police Station Talwandi Sabo, District Bathinda on the basis of compromise dated 29.07.2016 effected between the parties.

The parties were directed to appear before the trial Court on 10.01.2017 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Sub-Divisional Judicial Magistrate, Talwandi Sabo, wherein it has been reported that statements of the petitioners and respondents No.2 (complainant) have been recorded and statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to

live in peace and harmony.

Counsel for the petitioners has submitted that dispute between the parties has been settled by way of compromise (Annexure P2) and petitioner No.1 and respondent No.2 are residing together.

Counsel for the State has apprised the Court that the matter is still under investigation.

Counsel for respondent No.2/complainant would submit that as dispute between the husband and wife has been settled by way of compromise and they are residing together, as such continuation of criminal proceedings may result in marital disharmony.

I have heard counsel for the parties and perused the case file.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in ***“Gian Singh vs 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 view of what has been discussed hereinabove, the petition is allowed and FIR No.85 dated 01.07.2016, for offence under Sections 307, 328, 498-A read with Section 34 IPC registered in Police Station Talwandi Sabo, District Bathinda and proceedings emanating

therefrom are ordered to be quashed, *qua* the petitioners.

03.03.2017

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No