

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

-.-

Crl. Misc. M 38765 of 2016
Date of decision: 30.01.2017

Manu Bhargav and another

..... Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. N K Jaglan, Advocate
for the petitioners
Mr. Navdeep Singh, DAG, Punjab
Mr. G P Vashisht, Advocate
for respondent No. 2

-.-

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.117 dated 21.08.2013 for offence punishable under Sections 498-A and 406 of the Indian Penal Code (in short, 'IPC') registered with Police Station Hoshiarpur, District Hoshiarpur and proceedings emanating therefrom on the basis of compromise dated 30.09.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that petitioner No.1 and respondent No. 2 have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 30.09.2016.

Vide order dated 16.11.2016, 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 Chief Judicial Magistrate, Hoshiarpur 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.

Counsel for respondent No. 2 states that petitioner No. 2 has not withdraw the complaint filed against respondent No. 2 and her brother which is pending in the Court for 02.02.2017.

Counsel for the petitioners states that petitioner No. 2 shall withdraw the said complainant on the date fixed.

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.117 dated 21.08.2013 for offence punishable under Sections 498-A and

406 IPC registered with Police Station Hoshiarpur, District Hoshiarpur and proceedings emanating therefrom on the basis of compromise dated 30.09.2016 stand quashed qua the petitioners. The parties shall remain bound by the terms and conditions of compromise.

(Rekha Mittal)
Judge

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