

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

-.-

Crl. Misc. M 40036 of 2016
Date of decision: 14.02.2017

Suresh Kumar and another *Petitioners*

Versus

State of Punjab and another *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sherry K Singla, Advocate
for the petitioners

Mr. A S Kler, DAG, Punjab

Mr. H P S Ghuman, 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 complaint No. 56 dated 28.04.2010 under Sections 326, 406 and 498-A of the Indian Penal Code (in short, 'IPC') pending in the Court of Sub Divisional Judicial Magistrate, Nabha and proceedings emanating therefrom on the basis of compromise dated 14.09.2016 (Annexure P-4) arrived at between the parties.

In the present case, matrimonial discord between petitioner No. 1 and respondent No. 2 led to filing of present complaint. However, during pendency of said complaint, the parties have mutually resolved their all differences and have decided to live together along with their child vide

compromise deed dated 14.09.2016. Charge has been framed against the petitioners for offence punishable under Sections 406 and 498-A IPC.

Vide order dated 30.11.2016, 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 Sub Divisional Judicial Magistrate, Nabha 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 also admits the factum of compromise effected between the parties.

A perusal of allegations in the complaint 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 complaint No. 56 dated 28.04.2010 under Sections 326, 406 and 498-A IPC pending in

the Court of Sub Divisional Judicial Magistrate, Nabha, summoning order dated 15.06.2010 and proceedings emanating therefrom on the basis of compromise dated 14.09.2016, stand quashed qua the petitioners.

(Rekha Mittal)
Judge

14.02.2017
mohan bimbra

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