

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

**CRM No.M-40433 of 2016
Decided on: 25.01.2017**

Kapil Juneja and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : None for the petitioners.

ASI Ashok Kumar, P.S. City Karnal.

REKHA MITTAL, J. (Oral)

The petitioners have prayed for quashing of FIR No.850 dated 09.09.2014, for offence under Sections 323, 406, 498-A, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') registered in Police Station City Karnal, District Karnal on the basis of compromise dated 10.03.2016 (Annexure P2) effected between the parties.

In the present case, the FIR was registered at the instance of Leena daughter of Shyam Sunder Kalra. Now, dispute between the parties has been resolved by way of compromise (Annexure P2).

Vide order dated 10.11.2016, 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 received from the District Judge (Family Court), Karnal that statements of parties to the petition under Section 13-B of the Hindu Marriage Act in second motion were recorded on 21.12.2016 wherein petitioner No.1 had stated that she has no objection if FIR No.850 dated 09.09.2014 is quashed.

The Court below neither bothered to send copies of those statements

along with the report nor made a complete report in pursuance of order dated 10.11.2016 passed by this Court. This Court does not expect from such a senior officer to conduct proceedings in a casual manner, disregarding her obligation towards the system.

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.850 dated 09.09.2014, for offence under Sections 323, 406, 498-A, 506 read with Section 34 IPC registered in Police Station City Karnal, District Karnal and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioners.

A copy of this order be sent to the officer concerned for compliance of orders passed by this Court in letter and spirit, in future.

25.01.2017
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(REKHA MITTAL)
JUDGE

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