

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

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Crl. Misc. M 40678 of 2016

Date of decision: 27.04.2017

Mohd Akbar Kureshi and others

..... *Petitioners*

Versus

U T Chandigarh and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. G S Toor, Advocate for
Mr. Gagandeep Singh Biragi, Advocate
for the petitioners

Ms Aashima Mor, APP for the UT Chandigarh

Mr. Amit Mehta, Advocate
for respondent No. 2

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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. 312 dated 15.10.2015 for offence punishable under Sections 341, 354, 354-A, 506 and 509 of the Indian Penal Code (in short, 'IPC') registered with Police Station Industrial Area, Chandigarh and proceedings emanating therefrom on the basis of compromise dated 24.10.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that the parties have resolved their dispute vide compromise deed dated 24.10.2016.

Counsel for the complainant/respondent No. 2 has apprised the Court that petitioner No. 3 is a Juvenile and is facing proceedings before the

Juvenile Justice Board, Chandigarh.

Vide order dated 15.11.2016, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

A report from the Juvenile Justice Board, Chandigarh was also called for qua petitioner No. 3 vide order dated 27.01.2017.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Chandigarh, wherein it has been reported that statements of the complainant as well as the accused, namely Mohd. Akhtar and Akbar Qurasi have been recorded and they have voluntarily compromised the matter.

A report from the Juvenile Justice Board, Chandigarh has also been received stating therein Mohd. Anwar - petitioner No. 3 and the complainant have compromised the matter voluntarily.

Counsel for the State does not dispute genuineness of the compromise in view of two reports of the trial Court as well as Juvenile Justice Board, Chandigarh.

Counsel for respondent No. 2 has conceded to the position.

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. 312 dated 15.10.2015 for offence punishable under Sections 341, 354, 354-A, 506 and 509 IPC registered with Police Station Industrial Area, Chandigarh and proceedings emanating therefrom on the basis of compromise dated 24.10.2016, stand quashed qua the petitioners.

(Rekha Mittal)
Judge

27.04.2017
mohan bimbura

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