

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

CRM-M No. 41456 of 2016(O&M)

Date of decision: 2.2.2017

Kulwinder Singh

....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sudhir Sharma, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Harjeet Savra, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.8 dated 09.01.2006 for offence punishable under Section 323, 354, 452 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Sadar, District Hoshiarpur and proceedings emanating therefrom on the basis of affidavit with regard to compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Bandana Rani wife of Kuldip Singh. Now, dispute between the parties has been resolved by way of compromise and affidavit in regard thereto is Annexure P-2.

Vide order dated 21.11.2016, 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 Additional 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 and respondent No.2 have not disputed that the parties i.e. petitioner and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

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 Cr.P.C. Keeping in view 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 discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed. FIR No.8 dated 09.01.2006 for offence punishable under Section 323, 354, 452 read with Section 34 IPC registered at Police Station Sadar, District Hoshiarpur and proceedings emanating therefrom stand quashed qua the petitioner.

FEBRUARY 2, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no