

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

-.-

Crl. Misc. M 41817 of 2016
Date of decision: 06.02.2017

Ashok Machal and others

..... *Petitioners*

Versus

State of Haryana and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Bhupender Singh, Advocate
for the petitioners

Mr. Pawan Garg, AAG, Haryana

Mr. Parveen Sharma, 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. 158 of 2012 titled *Vinita Lohat v. Ashok Machal and others* under Sections 406 and 498-A of the Indian Penal Code (in short, 'IPC') pending in the Court of Judicial Magistrate Ist Class, Karnal (Annexure P1) and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

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

(Annexure P2).

Vide order dated 22.11.2016, 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 Judicial Magistrate Ist Class, Karnal 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 he has got no objection if said complainant and proceedings arising out of the same are quashed.

A perusal of allegations in the aforesaid 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. 158 of 2012 titled *Vinita Lohat v. Ashok Machal and others* for offence punishable under Sections 406 and 498-A IPC pending in the Court of

Judicial Magistrate Ist Class, Karnal (Annexure P1) and proceedings emanating therefrom on the basis of compromise, stand quashed qua the petitioners. Petitioner No. 1 and respondent No. 2 shall remain bound by the terms and conditions of compromise.

(Rekha Mittal)
Judge

06.02.2017
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Whether speaking/reasoned	:	Yes/No
whether reportable	:	Yes/No