

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

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Crl. Misc. M 43708 of 2016
Date of decision: 28.04.2017

Harpreet Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Kuldeep V Singh Ahluwalia, Advocate
for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Mr. Navdeep Bhullar, 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. 92 dated 11.08.2014 for offence punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code (in short, 'IPC') registered with Police Station Garhshankar, District Hoshiarpur and proceedings emanating therefrom on the basis of compromise/settlement dated 29.11.2016 (Annexure P-3) arrived at between the parties.

Counsel for the petitioners states that petitioner No. 1 and respondent No. 2 have resolved their dispute before the Lok Adalat, Hoshiarpur and both are residing together as husband and wife.

Vide order dated 15.02.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded with

regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Garhshankar, 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 report of the Court below.

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. 92 dated 11.08.2014 for offence punishable under Sections 498-A and 323 read with Section 34 IPC registered with Police Station Garhshankar, District Hoshiarpur and proceedings emanating therefrom on the basis of compromise/settlement, stand quashed qua the petitioners.

(Rekha Mittal)
Judge

28.04.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No