

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

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Crl. Misc. No. M 44463 of 2016

Date of decision: 17.01.2017

Balwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Harinder Singh, Advocate
for the petitioners

Mr. Navdeep Singh, DAG, Punjab
for the respondent – State

Mr. C S Jattana, Advocate
for Respondent No. 2

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'the Code'), the petitioners have prayed for quashing of FIR No. 46 dated 25.03.2015 for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short, 'IPC') registered with Police Station Gobindgarh Mandi, District Fatehgarh Sahib (Annexure P1) and proceedings emanating therefrom on the basis of compromise dated 23.11.2016 (Annexure P-2) arrived at between the parties.

In the present case, aforesaid FIR was got registered at the behest of complainant – Pardeep Kaur daughter of Jagga Singh. Now, all the differences between respondent-wife and petitioner No. 1 and his family members have been settled and in pursuance thereof, the complainant has resumed cohabitation and is residing in her matrimonial home. To that effect, complainant-Pardeep Kaur has also got recorded her statement in Court. She has also stated that none of the petitioners has absented from the proceedings nor any proceedings declaring them as PO are pending. Balwinder Singh- petitioner No. 1 and Pardeep Kaur-complainant have also filed their affidavits separately in Court stating that they have compromised the matter and are residing together as husband and wife.

Counsel for the State of Punjab and respondent No. 2 do not dispute genuineness of the compromise arrived at between the parties in view of statement got recorded by the complainant in Court.

A perusal of the allegations of the FIR in the instant case 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 of the Code.

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.

46 dated 25.03.2015 for offence punishable under Sections 406 and 498-A IPC registered with Police Station Gobindgarh Mandi, District Fatehgarh Sahib (Anenxure P1) and proceedings emanating therefrom on the basis of compromise dated 23.11.2016 (Annexure P-2) arrived at between the parties stand quashed qua the petitioners.

(Rekha Mittal)
Judge

17.01.2017
mohan bimbura

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