

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

**CRM No.M-45369 of 2016
Decided on: 14.03.2017**

Puneet Garg

....Petitioner

Versus

Union Territory of Chandigarh and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Raman Mahajan, Advocate for the petitioner.

Mr. A.S. Virk, APP, U.T., Chandigarh.

Mr. Tapan Kumar Yadav, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

The petitioner has prayed for quashing of FIR No.441 dated 22.10.2014, for offence under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered in Police Station Sector 39, Chandigarh on the basis of statements (Annexures P4 to P6) recorded before the Court of Additional District Judge, Chandigarh.

In the present case, the FIR was registered at the instance of Monika daughter of Vinod Kumar. Now, dispute between the parties has been resolved in view of the statements Annexures P4 to P6 and marriage of the parties has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act.

Vide order dated 19.12.2016 the parties were directed to appear before the Illaqa Magistrate/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, Chandigarh, wherein it has been reported

that statements of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for the State as well as respondent No.2/complainant 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 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in “*Gian Singh vs 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 view of what has been discussed hereinabove, the petition is allowed and FIR No.441 dated 22.10.2014, for offence under Sections 406 and 498-A IPC registered in Police Station Sector 39, Chandigarh and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioner.

14.03.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No