

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

-.-

Crl. Misc. M 45535 of 2016
Date of decision: 16.03.2017

Raja and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Priyanshu Kamra, Advocate for
Mr. Munish Puri, Advocate
for the petitioners
Mr. Mikhail Kad, AAG, Punjab
Mr. Sanjeev Kumar, 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. 104 dated 30.10.2011 for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short, 'IPC') registered with Police Station Sohana District SAS Nagar and proceedings emanating therefrom on the basis of compromise dated 02.11.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that the parties have mutually decided to resolve their differences and reside together vide compromise deed dated 02.11.2016.

Vide order dated 21.12.2016, 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, Mohali 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 trial Court.

Counsel for respondent No. 2 also admitted the factum of compromise arrived at between the petitioner and respondent No. 2.

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. 104 dated 30.10.2011 for offence punishable under Sections 406 and 498-A IPC registered with Police Station Sohana, District SAS Nagar and proceedings emanating therefrom on the basis of compromise dated 02.11.2016, stand quashed qua the petitioners. The parties shall remain bound the terms and conditions of compromise.

(Rekha Mittal)
Judge

16.03.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No