

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

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Crl. Misc. M 45579 of 2016

Date of decision: 17.03.2017

Pawan Kumar alias Pamma and others

..... *Petitioners*

Versus

State of Punjab and another

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Bhavesh Aggarwal, Advocate for
Mr. Ashish Aggarwal, advocate
for the petitioners
Mr. Mikhail Kad, AAG, Punjab
Mr. Kuldeep Singh, 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. 74 dated 20.04.2013 for offence punishable under Sections 498-A read with Section 120-B of the Indian Penal Code (in short, 'IPC') (Section 406 IPC added later) registered with Police Station Sadar Amritsar, District Amritsar City and proceedings emanating therefrom on the basis of compromise dated 15.12.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that petitioner No. 1 and respondent No. 2 have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 15.12.2016.

Vide order dated 20.12.2016, 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 Judicial Magistrate, 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 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. 74 dated 20.04.2013 for offence punishable under Sections 498-A read with Section 120-B IPC (Section 406 IPC added later) registered with Police Station Sadar Amritsar, District Amritsar City and proceedings emanating therefrom on the basis of compromise dated 15.12.2016, stand quashed qua the petitioners. The parties shall remain bound by the terms and conditions of compromise.

(Rekha Mittal)
Judge

17.03.2017
mohan bimbura

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