

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

-.-

246

Crl. Misc. M 5074 of 2016

Date of decision: 22.02.2017

Sunil

..... Petitioner

Versus

State of Haryana and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sandeep Singal, Advocate
for the petitioner
Ms Dimple Jain, DAG, Haryana
Mr. Vishva Nath Sharma, 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 petitioner prays for quashing of FIR No.333 dated 13.06.2015 for offence punishable under Sections 498-A, 406, 377 and 506 of the Indian Penal Code (in short, 'IPC') registered with Police Station Rohtak City, District Rohtak and proceedings emanating therefrom on the basis of compromise dated 28.01.2016 (Annexure P-2) arrived at between the parties.

In the present case, matrimonial discord between the petitioner and respondent No. 2, led to filing of aforesaid FIR. According to counsel for the petitioner, dispute between the parties has been resolved by way of compromise and moreover, the petitioner and respondent No. 2 have resumed cohabitation.

Suman Devi-complainant present in the Court got recorded her statement, stating therein that dispute between her and the petitioner-husband has been settled by way of compromise and she has been staying in

her matrimonial home. She further submits that she has no objection if the said FIR and proceedings emanating therefrom are ordered to be quashed. To that effect, the complainant/respondent No. 2 also filed her affidavit, which is taken on record.

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.333 dated 13.06.2015 for offence punishable under Sections 498-A, 406, 377 and 506 IPC registered with Police Station Rohtak City, District Rohtak and proceedings emanating therefrom on the basis of compromise dated 28.01.2016, stand quashed qua the petitioner.

(Rekha Mittal)
Judge

22.02.2017

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