

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

-.-

Crl. Misc. No. M 5842 of 2016

Date of decision: 16.01.2017

Vikas Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. TP Singh, Advocate for
Mr. Sukhdeep Parmar, Advocate
for the petitioners
Mr. G S Salwara, DAG, Haryana
Mr. R K Choudhary, Advocate
for respondent No. 2

-.-

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.563 dated 16.07.2011 for offence punishable under Sections 498-A, 406, 324, 506 of the Indian Penal Code (in short, 'IPC') registered with Police Station Samalkha District Panipat and proceedings emanating therefrom on the basis of compromise dated 01.02.2016 (Annexure P-2) arrived at between the parties.

Original compromise deed dated 01.02.2016 filed in Court is taken on record.

Counsel for the petitioners states that the parties have mutually decided to resolve their personal differences and also decided to part ways vide compromise deed dated 01.02.2016.

Vide order dated 16.11.2016, 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 Sub Divisional Judicial Magistrate, Samalkha 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 the report of trial Court.

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. 563 dated 16.07.2011 for offence punishable under Sections 498-A, 406, 324, 506 IPC registered with Police Station Samalkha District Panipat and proceedings emanating therefrom on the basis of compromise dated 01.02.2016 stand quashed qua the petitioners.

(Rekha Mittal)
Judge

16.01.2017
mohan bimbra

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