

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

-.-

Crl. Misc. M 596 of 2017  
Date of decision: 30.03.2017

*Amit Bholusaria and others*

*..... Petitioners*

*Versus*

*State of Punjab and another*

*.....Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

-.-

Present: None for the petitioners

Mr. Mikhail Kad, AAG, Punjab

Mr. Rahul Sharma, 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. 345 dated 24.12.2015 for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short, 'IPC') registered with Police Station City I, Abohar District Fazilka and proceedings emanating therefrom on the basis of compromise arrived at between the parties.

In the present case, matrimonial discord between petitioner No. 1 and respondent No. 2/complainant led to filing of aforesaid FIR. Now, as per pleadings, the parties have mutually resolved their differences and also decided to part ways. Further, a petition under Section 13-B of the

Hindu Marriage Act, 1955 seeking decree of divorce by way of mutual consent has been filed before the Court below and in those proceedings, statements of the parties have been recorded. Moreover, respondent No. 2 has also filed her affidavit to that effect.

Vide order dated 12.01.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Abohar 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 Court below.

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. 345 dated 24.12.2015 for offence punishable under Sections 406 and 498-A IPC registered with Police Station City I, Abohar District Fazilka and proceedings emanating therefrom on the basis of compromise arrived at between the parties, stand quashed qua the petitioners. The parties shall remain bound by the terms and conditions of compromise.

(Rekha Mittal)  
Judge

30.03.2017  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| whether reportable        | : | Yes/No |