

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6432 of 2017

Date of Decision: August 31, 2017

Neeta

.....Petitioner

Versus

UT Chandigarh and another

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Devinder Singh Nigha, Advocate
for the petitioner.
Ms. Ashima Mor, APP for UT Chandigarh
Mr.Gurmeet Singh, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J.

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.400 dated 1.11.2015, under Sections 380/411 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station 36, Chandigarh (Annexure P1) and all consequential proceedings arising therefrom, on the basis of compromise dated 20.1.2017 (Annexure P2) .

Vide order dated 28.2.2017, a direction was given to the trial Court to record the statements of the parties and submit a report regarding the genuineness of the compromise effected between the parties and whether any proceeding is pending against the accused-petitioners.

In pursuance thereof, the trial Court has submitted a

report dated 25.4.2017 (forwarded by District & Sessions Judge Bathinda on 26.4.2017), after recording the statements of the parties, that the complainant-Harleen Kaur-respondent No.2, and accused- Neeta have appeared along with their respective counsel, who had identified them and got their statement recorded acknowledging that the compromise had been effected voluntarily, without any coercion or any undue influence and intimated that only one accused, namely, Neeta is arrayed in the FIR, who is on bail and appearing before the Court .

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in “**Gian Singh vs 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.

As per the Full Bench judgement of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, this petition is allowed. FIR No.400 dated 1.11.2015, under Sections 380/411 IPC, registered at Police Station 36, Chandigarh (Annexure P1) and all the consequential proceedings, arising therefrom, are ordered to be quashed.

(ARVIND SINGH SANGWAN)
JUDGE

August 31, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: Yes