

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 6528 of 2017

Date of decision : February 28, 2017

Sukhwinder Singh @ Kakka

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. G. S. Brar, Advocate
for the petitioner.

Rekha Mittal, J (oral).

The petitioner has prayed for quashing of FIR No.12 dated 5/2/2016 for offence punishable under Sections 406, 498-A of the Indian Penal Code (in short "IPC") registered at Police Station, Women, District Patiala on the basis of compromise(Annexures P-2).

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Sukhwinder Kaur @ Sweety. Now the matter has been amicably settled between the parties.

Respondent No.2-complainant is present in Court. Affidavit of respondent No.2 filed in Court is taken on record. Her statement was recorded and a relevant extract therefrom is quoted thus:-

“ I file my affidavit today in the Court along with copy of my Aadhar Card duly attested by the Notary and contents of my affidavit may be read as a part of my statement. Dispute between me and my husband has been settled by way of compromise Annexure P-2 and in pursuance thereof we are residing together as husband and wife. I have got no objection if FIR No. 12 dated 5.2.2016 registered for offence punishable

under Section 498-A IPC (offence under Section 406 IPC added later) is ordered to be quashed. Sukhwinder Singh @ Kakka my husband joined investigation, released on bail but the matter is still under investigation.”

Counsel for the petitioner submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Respondent No. 2 has not disputed contention of the petitioner that they have arrived at an amicable settlement.

I have heard counsel for the parties and perused the records.

There is nothing on record to doubt correctness of the compromise effected between the parties, whereby they have decided to settle their dispute with an intention to live in peace and harmony. The present case falls in the category of cases, which can be allowed to be quashed by way of compromise, in exercise of inherent jurisdiction under Section 482 Cr.P.C. in view of decision of Hon'ble the Supreme Court of India in *Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543*.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.12 dated 5/2/2016 for offence punishable under Sections 406, 498-A IPC registered at Police Station, Women, District Patiala and proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

February 28, 2017
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(REKHA MITTAL)
JUDGE