

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

**CRM No.M-6829 of 2017
Date of decision: 03.03.2017**

Jaspal Singh Walia	Versus	Petitioner
Union Territory of Chandigarh and another		Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Atul Arya, Advocate
for the petitioner with petitioner in person.

REKHA MITTAL J. (Oral)

Heard.

Notice of motion.

Mr. J.S. Toor, APP, U.T, Chandigarh accepts notice on behalf of respondent No.1 while Mr. Aditya Arya, Advocate who is present in Court with complainant in person has appeared on behalf of respondent No.2.

The petitioner prays for quashing of FIR No.5 dated 03.01.2016 for offence punishable under Section 498-A of the Indian Penal Code (in short 'IPC') registered at Police Station Women Cell, Chandigarh and proceedings emanating therefrom on the basis of compromise dated 11.02.2017 (Annexure P2) arrived at between the parties.

Counsel for the petitioner has produced on record affidavit dated 03.03.2017 of the petitioner – Jaspal Singh Walia today in the Court which is taken on record and has submitted that as dispute between the parties has been settled by way of compromise (Annexure P2), continuation of criminal proceedings on the basis of aforesaid FIR

lodged at the instance of the complainant/respondent No.2 would be nothing but abuse and misuse of process of law.

Shashi Kiran, complainant filed her affidavit dated 03.03.2017 with regard to settlement of dispute between the parties. A relevant extract from para 2 of the affidavit reads as follows:-

“2. That the deponent has entered into compromise with petitioner, i.e. Jaspal Singh Walia and a copy of compromise deed has been placed on record vide Annexure P2, the deponent is binding by the terms and conditions of the compromise and both the parties have agreed and given their free consent to quash the FIR No.5 dated 03.01.2016, under Section 498-A, Police Station Women Cell, Chandigarh. The respondent No.2 has no objection, if the above mentioned FIR No.5 dated 03.01.2016, under Section 498A, Police Station Women Cell, Chandigarh be quashed.”

Not only this, Smt. Shashi Kiran got recorded her statement dated 03.03.2017 and an extract therefrom reads as follows:-

Statement of Shashi Kiran daughter of Sh. Ram Dass, wife of Jaspal Singh Walia, aged 51 years, resident of House No.1051-F, Sector 7, Chandigarh.

I am the author of FIR No.5 dated 03.01.2016 registered at Police Station Women Cell, Chandigarh for offence punishable under Section 498-A IPC. The dispute between me and my husband, petitioner – Jaspal Singh Walia has been settled by way of compromise (Annexure P2). In pursuance thereof, petition under Section 13-B of the Hindu Marriage Act has already been filed and the same is pending. I have filed my affidavit dated 03.03.2017 today in the Court which may be read as a part of my statement. Jaspal Singh Walia is present in the Court and filed his affidavit dated 03.03.2017 stating therein that he

has not been declared as a proclaimed person nor any proceedings in this regard are pending. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed.”

RO&AC
03.03.2017

(REKHA MITTAL)
JUDGE

Counsel for respondent No.2 has conceded to the contentions raised by counsel for the petitioner that the parties have amicably resolved their differences.

I have heard counsel for the parties, perused the paperbook particularly compromise deed dated 11.02.2017, affidavit of the complainant dated 03.03.2017 and her statement recorded before this 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.

In view of what has been discussed hereinabove, the petition is allowed and FIR No.5 dated 03.01.2016 for offence punishable under Section 498-A of the Indian Penal Code (IPC)

registered at Police Station Women Cell, Chandigarh and proceedings emanating therefrom are ordered to be quashed, *qua* the petitioner.

03.03.2017
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(REKHA MITTAL)
JUDGE

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