

CRM-M-9976 of 2017

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M-9976 of 2017

Date of Decision:23.5.2017

Manoj Kumar @ Manoj Kumar Malhotra

---Petitioner

vs.

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sushant Kohli, Advocate
for the petitioner
Mr. Mikhail Kad, AAG, Punjab
None for respondent No. 4

Rekha Mittal, J.

By invoking Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioner has prayed for quashing of FIR No. 0052 dated 25.5.2016 for offence punishable under Sections 406 and 498-A of the Indian Penal Code (in short, 'IPC') registered at Police Station, Phase-11, District SAS Nagar Mohali and proceedings emanating therefrom on the basis of compromise dated 9.2.2017 (Annexure P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Daljit Kaur wife of Manoj Kumar Malhotra. Now, dispute between the parties has been resolved by way of compromise (Annexure P-3).

Vide order dated 23.3.2017, 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 Additional Chief Judicial Magistrate, SAS Nagar Mohali wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State has not disputed that the parties i.e. petitioner and respondent No. 4 (complainant) have arrived at a settlement with an intent to give burial to their differences.

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.

For the foregoing reasons, the petition is allowed and FIR No. 0052 dated 25.5.2016 for offence punishable under Sections 406 and 498-A IPC registered at Police Station, Phase-11, District SAS Nagar Mohali and proceedings emanating therefrom stand quashed qua the petitioner.

(Rekha Mittal)
Judge

23.5.2017
paramjit

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