

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

293

CRM-M-21093-2017

Date of Decision: November 20, 2018

Preetinder Singh

.....Petitioner(s)

versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Ashish Soi, Advocate for
Mr. Ajaivir Singh, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. A.S. Virk, Advocate for respondent No.2

Raj Shekhar Atttri, J. (Oral)

By invoking Section 482 Code of Criminal Procedure (in short, “Cr.P.C.”), the petitioner has prayed for quashing of FIR No. 61 dated 19.03.2017 for offences punishable under Sections 323, 506 and 307 (added later on) of the Indian Penal Code (in short, “IPC”), registered at Police Station Baldev Nagar Camp, Ambala and proceedings emanating therefrom and on the basis of compromise (Annexures P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Smt. Pearl Jaspal wife of Preetinder Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-3.

Vide order dated 20.03.2018, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of

compromise.

Pursuant thereto, a report has been submitted by Judicial Magistrate Ist Class, Ambala wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

This is a dispute between husband and wife. Divorce between the parties has been effected vide judgment dated 13.11.2018 passed in **HMA No.270 of 2018**, which is placed on record. Besides, as per the affidavit of Nitika Gahlaut-IPS, Assistant Superintendent of Police, Ambala, Haryana, Sections 307/325 IPC were removed having found to be not made out and Sections 324/326 have been added in the present case.

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 Cr.P.C. Keeping in view 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 discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No. 61 dated 19.03.2017 for offence punishable under Sections 323, 506 and 307 (Added later on), registered at Police Station Baldev Nagar Camp, Ambala and proceedings

emanating therefrom stand quashed qua the petitioner.

November 20, 2018

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[RAJ SHEKHAR ATTRI]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No