

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

**CRM-M No.34896 of 2016 (O&M)
Date of decision: August 31, 2018**

Sumit Khanna and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Chetan Bansal, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. B.S. Bhalla, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(ORAL)

This is a petition for quashing of FIR No.32 dated 08.05.2014, under Sections 420, 120-B of the Indian Penal Code (for short 'IPC') registered at Police Station Division No.8 (Kailash Chowk), District Ludhiana City and the consequent/subsequent proceedings arising out of the same on the basis of compromise dated 13.07.2016 (Annexure P-2).

In the present case, the Report was registered on the statement of Kanwaljeet Kaur wife of Inderjit Singh. Now, dispute between the parties has been resolved.

Vide order dated 29.09.2016, this court has directed the parties to appear before the trial court for recording their statements. Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is with their free will, without any pressure, force, undue influence. However, it has been stated in the statements of the parties that balance amount of Rs.11,00,000/- is to be paid in this court at the time of quashing of FIR.

The learned counsel for respondents No.2 and 3 has suffered a statement that an amount of Rs.1,00,000/- in cash has been received towards full and final settlement of the compromise which has been handed over to Mr. Inderjit Singh Bawa and Mr. Raj Kumar Sethi, husbands of respondent No.2- Mrs. Kanwaljeet Kaur and respondent No.3-Mrs. Sucheta Sethi. They have no objection if FIR No.32 dated 08.05.2014, under Sections 420, 120-B IPC registered at Police Station Division No.8 (Kailash Chowk), District Ludhiana City be quashed and consequently this petition be accepted.

Learned counsel for the State as well as learned counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioners, respondents No.2 and 3, 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 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.32 dated 08.05.2014, under Sections 420, 120-B IPC registered at Police Station Division No.8 (Kailash Chowk), District Ludhiana City and the consequent/subsequent proceedings arising out of the same on the basis of compromise stands quashed qua the petitioners.

August 31, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE