

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

**(i) Criminal Misc.No.M-48109 of 2017 (O&M)
Date of Decision : 21.03.2018**

Rakesh Sachdeva

..... Petitioner

Versus

State of Punjab and another

..... Respondents

(ii) Criminal Misc.No.M-47102 of 2017 (O&M)

Babita Khanna

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Raju Arora, Advocate for the petitioners.

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

Mr. Rajan Sharma, Advocate for respondent No.2-complainant.

RAJ SHEKHAR ATTRI, J. (Oral)

This order shall dispose of Criminal Misc.No.M-48109 of 2017, filed by petitioner Rakesh Sachdeva and Criminal Misc.No.M-47102 of 2017, filed by petitioner Babita Khanna for quashing of FIR No.0014 dated 23.02.2017, registered under Sections 323, 379-B IPC at Police Station Division No.8, Ludhiana, District Ludhiana on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present cases, the FIR was registered on the statement of Manish Atrey. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide orders dated 18.12.2017 (in Criminal Misc.No.M-48109 of 2017) and 14.02.2018 (in Criminal Misc.No.M-47102 of 2017), 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 the Judicial Magistrate, 1st Class, Ludhiana in Criminal Misc.No.M-48109 of 2017 wherein it has been reported that statements of the petitioners Rakesh Sachdeva and Babita Khanna and respondent No.2 Munish Atrey have been recorded and they have voluntarily compromised the matter.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioners and respondent No.2 (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 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, both the petitions are allowed, FIR No.0014 dated 23.02.2017, registered under Sections 323, 379-B IPC at Police Station Division No.8, Ludhiana, District Ludhiana and proceedings emanating therefrom stand quashed qua the petitioners.

21.03.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No