

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

CRM-M-1590-2019 (O&M)

Date of decision: February 25, 2019

Ramesh Kumar and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: None for the petitioners.

Mr. Arun Kumar, AAG, Haryana.

Mr. Ravinder Phogat Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.0036 dated 02.05.2016, under Sections 201/354-D/376/377/498-A/506 of the Indian Penal Code (for short 'IPC'), registered at Women Police Station Jhajjar and subsequent proceedings arising therefrom on the basis of compromise dated 04.01.2019 (Annexure P-3).

In the present case, the FIR was registered on the statement of Sonam daughter of Mahender Singh. Now, dispute between the parties has been resolved.

It has been submitted that offences under Sections 376/201/354-D IPC have already been deleted and both petitioner No.1-Ramesh Kumar son of Ramehar and respondent No.2 have filed petition under Section 13-B of Hindu Marriage Act seeking mutual divorce before the learned District Judge, Jhajjar.

Vide order dated 16.01.2019, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Jhajjar wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntary without any coercion and undue influence.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioners, 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, the petition is allowed and FIR No.0036 dated 02.05.2016, under Sections 201/354-D/376/377/498-A/506 IPC (Sections 376, 201, 354-D deleted later on), registered at Women Police Station Jhajjar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

February 25, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no