

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

CRM-M-1567-2019 (O&M)

Date of decision: April 11, 2019

Neeraj @ Rinku

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

Mr. Rakesh Choudhary, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.0104 dated 02.05.2017, under Sections 328, 354, 376, 377, 406, 498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Israna, District Panipat and subsequent proceedings arising therefrom on the basis of compromise deed dated 11.12.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Jyoti Rana wife of Neeraj @ Rinku. Now, dispute between the parties has been resolved.

Vide order dated 20.02.2019, 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, Panipat, wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntarily and without any fear.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioner, respondent No.2 (complainant), have arrived at a settlement with an intent to give burial to their differences.

Learned State counsel has submitted that the offences under Sections 328, 354, 376 and 377 IPC have been deleted and now challan has been submitted for the offences under Sections 406, 498-A and 506 IPC.

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. Consequently, FIR No.0104 dated 02.05.2017, under Sections 328, 354, 376, 377, 406, 498-A, 506 IPC (challan has been submitted only for the offences under Sections 406, 498-A and 506 IPC), registered at Police Station Israna, District Panipat and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

April 11, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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