

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2488-2019

Date of Decision:-20.05.2019.

Nikunj Ahuja and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Surinder Sharma, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Complainant-Shivani in person.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.0002 dated 05.01.2017 under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Women Cell, Ludhiana City and proceedings emanating therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

As per the trial Court report, petitioner No.2-Pawan Ahuja, who is father-in-law of the complainant, did not appear before the trial Court for recording his statement with regard to compromise. However, complainant, who is present in Court herself stated that she admits the factum of compromise.

In the present case, the FIR was registered on the statement of Shivani wife of Nikunj Ahuja. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 27.03.2019, the parties were directed to appear

compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate 1st Class, Ludhiana wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter, without any coercion or pressure.

Counsel for the State has not disputed that the parties i.e. petitioner 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 the 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.0002 dated 05.01.2017 under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Women Cell, Ludhiana City and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

May 20, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.