

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4864-2019

Date of Decision:-03.05.2019.

Mukesh Sethi and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. M.S. Sachdev, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Neha Jain, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.177 dated 07.12.2007 under Sections 406/498-A of the Indian Penal Code, registered at Police Station Division No.7, Jalandhar and proceedings emanating therefrom on the basis of affidavits with regard to compromise (Annexures P-2) arrived at between the parties.

At the outset, learned counsel for the petitioners seeks permission to withdraw the petition qua petitioner No.4-Sudesh Bedi, who has been declared as proclaimed offender. As such, petition stands dismissed as withdrawn qua petitioner No.4-Sudesh Bedi.

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

Vide order dated 01.03.2019, 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 Chief Judicial Magistrate, Jalandhar wherein it has been reported that statements of the parties have been recorded (except petitioner No.4-Sudesh Bedi) and they have voluntarily compromised the matter, without any coercion or pressure.

Counsel for the State and respondent No. 2 have 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 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.177 dated 07.12.2007 under Sections 406/498-A of the Indian Penal Code, registered at Police Station Division No.7, Jalandhar and proceedings emanating therefrom stand quashed qua petitioners No.1 to 3, 5 and 6-Mukesh Sethi, Harish Sethi, Ritu, Aruna Bhandari and Rajesh Sethi, respectively.

(RAJ SHEKHAR ATTRI)
JUDGE

May 03, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.