

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

CRM-M-4930-2019
Date of decision: 08.04.2019

Harjap Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present:- Mr. Akhilesh Vyas, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Navneet Kaur, Advocate
for respondent No. 2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 96 dated 09.06.2018 (Annexure P-1) for offences punishable under Sections 328, 498-A, 34 and 406 (added later on) of the Indian Penal Code (in short 'IPC') along with all consequential proceedings emanating therefrom, registered at Police Station Sultanwind, District Police Commissionerate, Amritsar, on the basis of the compromise dated 21.11.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of respondent No. 2/complainant Gurinder Kaur wife of Harjap Singh. Now, the dispute between the parties has been resolved by way of compromise dated 21.11.2018 (Annexure P-2).

Vide order dated 01.02.2019, 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 Judicial Magistrate First Class, Amritsar, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State as well as counsel for respondent No. 2/complainant have not disputed that the parties i.e. petitioners and respondent No. 2 have arrived at a settlement with an intent to give burial to their differences.

Counsel for the petitioners has submitted that subsequently offence under Section 406 IPC has also been added on the basis of the same allegations and the same may be included in this petition.

Let the newly added offence under Section 406 IPC be included in this petition.

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 Supreme Court in **'Gian Singh vs. 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. 96 dated 09.06.2018 (Annexure P-1) for offences punishable under Sections 328, 498-A, 34 and 406 (added later on) of the IPC, registered at Police Station Sultanwind, District Police Commissionerate, Amritsar and all the proceedings emanating therefrom stand quashed qua the petitioners.

08.04.2019
SHABHA

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No