

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6463 of 2019

Date of Decision: 22.05.2019.

Munish Kumar @ Manish Kumar and others

..Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gurtej Singh Dhindsa, Advocate for the petitioners.

Mr. V. G. Jauhar, Senior DAG, Punjab.

Mr. Gurminder Singh Salana, Advocate
for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.0010 dated 30.01.2016, under Sections 406 and 498-A of the Indian Penal Code, registered at Police Station Women, District Patiala, Punjab and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Mam Raj son of Surem Chand. Now, dispute between the parties has been resolved by way of compromise (Annexure P-2).

Vide order dated 18.03.2019, 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 Judicial

Magistrate Ist Class, Patiala, 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 and respondent Nos.2 and 3 have not disputed that the parties i.e. petitioners and respondent Nos.2 and 3 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.0010 dated 30.01.2016, under Sections 406 and 498-A of the Indian Penal Code, registered at Police Station Women, District Patiala, Punjab and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

May 22, 2019
sandeep

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No