

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7702-2019

Date of Decision:-16.05.2019.

Gaurav @ Gaurav Sharma and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Sarmanpreet Kaur, Advocate for
Mr. P.K.S. Phoolka, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rohit Kumar, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.38 dated 11.07.2017 under Sections 498-A/406 of the Indian Penal Code, registered at Police Station Women Cell, Bathinda, District Bathinda 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 Monika Rani @ Monika Sharma daughter of Dev Raj Sharma. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 20.02.2019, 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 the Judicial

parties have been recorded 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. petitioners 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.38 dated 11.07.2017 under Sections 498-A/406 of the Indian Penal Code, registered at Police Station Women Cell, Bathinda, District Bathinda and proceedings emanating therefrom stand quashed qua the petitioners subject to payment of Rs.1,00,000/- to respondent No.2 Monika Rani @ Monika Sharma-wife. In case the petitioners failed to comply with the contents of the compromise (Annexure P-2) and failed to pay Rs.1,00,000/- to the respondent No.2-wife, then the wife shall have the right to restore this petition.

(RAJ SHEKHAR ATTRI)
JUDGE

May 16, 2019.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.