

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9604-2019

Date of Decision:-01.05.2019.

Sandeep Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Hitesh Kumar Sammi, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Abhijeet P.S. Chaudhary, 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.0119 dated 12.11.2018 under Sections 406, 498-A of the Indian Penal Code registered at Police Station Women, District Police Commissionerate, Ludhiana 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 Swarandeep Kaur-complainant. Now, dispute between the parties has been resolved by way of compromise Annexure 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 Civil Judge (Jr.

Divn.)-cum-Judicial Magistrate Ist Class, Ludhiana wherein it has been reported

that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State as well as counsel for 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.0119 dated 12.11.2018 under Sections 406, 498-A of the Indian Penal Code registered at Police Station Women, District Police Commissionerate, Ludhiana and proceedings emanating therefrom stand quashed qua the petitioners. However, petitioner No.1 is directed to appear before the Matrimonial Court where petition under Section 13-B, Hindu Marriage Act is pending for the second motion. In case petitioner No.1 backs out from this settlement and failed to appear in the second motion, then respondent No.2-wife of petitioner No.1 shall have the right to restore this petition.

(RAJ SHEKHAR ATTRI)
JUDGE

May 01, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.