

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

CRM-M-17410-2018

Date of decision: February 11, 2019

Kulwinder Singh

...Petitioner

Versus

Surjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Lajpat Sharma Advocate
for the petitioner.

Mr. Abhimanyu, Advocate
for respondent No.1.

Mr. Ramdeep Partap Singh, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of criminal complaint No.35/1 of 2013, under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') as well as impugned order dated 12.01.2017 passed by learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

In the present case, the complaint was executed on the statement of Surjit Kaur wife of Kulwinder Singh. Now, dispute between the parties has been resolved.

Vide order dated 07.12.2018, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar wherein it has been reported that statements of the parties have been recorded and compromise entered

between the parties is genuine, voluntary, without any coercion or undue influence.

Learned counsel for the State as well as learned counsel for respondent No.1 have not disputed that the parties i.e. petitioner, respondent No.1 (complainant), have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the complaint 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 and criminal complaint No.35/1 of 2013, under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') as well as impugned order dated 12.01.2017 passed by learned Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

February 11, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no