

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12073 of 2019

Date of Decision: 22-05-2019

Bhupinder Singh and others

...Petitioners

v.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Deepak Goyal, Advocate
for the petitioners.

Mr.Harpreet Singh Multani, AAG, Punjab.

Mr.Mohit Sadana, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.142 dated 23.11.2015, under Sections 498-A/406 of the Indian Penal Code (for short 'IPC'), registered at Police Station Bhawanigarh, District Sangrur and all subsequent proceedings arising therefrom.

In the present case, the FIR was registered on the statement of Kulwinder Kaur – respondent No.2. Now, dispute between the parties has been resolved. As per compromise, a petition under Section 13-B of the Hindu Marriage Act was filed in the Court of Additional District Judge, Sangrur and a decree of divorce by way of mutual consent was granted on 6.10.2017.

Affidavit of Kulwinder Kaur – respondent No.2 has been filed

in Court today. Same is taken on record. In the affidavit, she has admitted the factum of compromise and grant of decree of divorce by way of mutual consent.

Learned counsel for the State as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioners, 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 and FIR No.142 dated 23.11.2015, under Sections 498-A/406 IPC registered at Police Station Bhawanigarh, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

May 22, 2019

(RAJ SHEKHAR ATTRI)
JUDGE

RC

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No