

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12090-2019

Date of Decision:-21.05.2019.

Jaswinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Pratham Sethi, Advocate for the petitioners.

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

Mr. Prabhjot S. Warraich, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of Complaint/Protest Petition in FIR No.23 dated 03.05.2016 under Sections 307, 323, 498-A and 34 of the Indian Penal Code, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib and proceedings emanating therefrom, on the basis of compromise (Annexure P-5) arrived at between the parties.

Learned State counsel placed on record photocopy of the statement of complainant-Simranjit Kaur dated 18.04.2019, wherein she has stated that her permanent alimony and maintenance present, past and future has been settled for a total lump sum of Rs.4,50,000/- out of which Rs.2,00,000/- has been received by her from petitioner No.1 by way of demand draft No.000583 dated 01.02.2019 on 04.02.2019 and she has also

received remaining amount of Rs.2,50,000/- by way of demand draft bearing No.000595 dated 17.04.2019 of HDFC Bank and has admitted the factum of compromise.

In the present case, the FIR was registered on the statement of Simranjeet Kaur, daughter of Baljeet Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-5.

Vide order dated 15.03.2019, 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 Additional Sessions Judge, Fatehgarh Sahib 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 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.

dated 03.05.2016 under Sections 307, 323, 498-A and 34 of the Indian Penal Code, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

May 21, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.