

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

CRM-M-27450-2018

Date of decision: March 11, 2019

Ashish Kapoor and others

...Petitioners

Versus

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Shakinderpal Singh Chakkal, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S.S. Sarwara, 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.15 dated 23.02.2017, under Section 376 of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Phase-8, District SAS Nagar Mohali and subsequent proceedings arising therefrom on the basis of compromise dated 02.07.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Shivani Sharma wife of Aashish Kapoor. Now, dispute between the parties has been resolved.

Vide order dated 05.07.2018, 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 District & Sessions Judge, SAS Nagar, Mohali wherein it has been reported that statements of the parties have been recorded and compromise entered

between the parties is voluntarily without any coercion and undue influence, working on their minds.

Learned State counsel 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.

Petitioner No.1 and respondent No.2-Shivani Sharma are present in court. Statement of respondent No.2 has already been recorded before the learned trial court. Today, she has submitted that she is residing with petitioner No.1 happily as husband and wife.

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. Consequently, FIR No.15 dated 23.02.2017, under Section 376 IPC registered at Police Station Phase-8, District SAS Nagar Mohali and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

March 11, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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