

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

CRM-M-29584-2018

Date of decision: 11.1.2019

Ramesh Kumar and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Madan Bhandari, Advocate, for
Mr. N.K. Manchanda, Advocate,
for the petitioner(s).

Mr. Sukhbeer Singh, AAG, Punjab

Mr. M.K. Bhandari, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner(s) has prayed for quashing of FIR No. 10 dated 19.1.2015 for offence punishable under Sections 406, 498-A of the Indian Penal Code registered at Police Station Mataur, District SAS Nagar and proceedings emanating therefrom on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Shruti daughter of Surinder Kumar Gilhotra. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 5.9.2018, 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 Judicial Magistrate, 1st Class, SAS Nagar (Mohali) wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion. However, statement of petitioner No.4 has been recorded through his attorney and father Ramesh Kumar.

Counsel for the State and 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. 10 dated 19.1.2015 under Sections 406, 498A IPC registered at Police Station Mataur, District SAS Nagar (Mohali) and proceedings emanating therefrom stand quashed qua the petitioner(s).

January 11, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

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