

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

CRM-M-37745-2018
Date of decision: 08.04.2019

Gurdeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present:- Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Zohab Sighu, Advocate
for respondent No. 2.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (in short 'Cr.P.C.') seeking quashing of FIR No. 61 dated 12.07.2018 (Annexure P-1) for offences punishable under Section 498-A of the Indian Penal Code (in short 'IPC'), registered at Police Station Khamano, District Fatehgarh Sahib, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per case of the prosecution, the present FIR arises out of a matrimonial dispute between the petitioner and respondent No. 2/complainant Harvinder Kaur, who is the wife of petitioner.

Learned counsel for the petitioner submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No. 2/complainant endorsed the submission of learned counsel for the petitioner and has no objection if the impugned FIR (Annexure P-1) is quashed.

Learned State counsel has also not disputed the compromise (Annexure P-2), entered into between the parties.

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 19.03.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

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 Supreme Court in '**Gian Singh vs. 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 reasons as discussed above, the instant petition is allowed and FIR No. 61 dated 12.07.2018 (Annexure P-1) for offences

punishable under Section 498-A of the IPC, registered at Police Station Khamano, District Fatehgarh Sahib along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

08.04.2019
SHABHA

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No