

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-44066-2018
Date of Decision:14.03.2019

Pankaj Tiwari

....petitioner

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Dinesh Sharma, Advocate
for the petitioner

Mr.Vikas Chopra, DAG Haryana

None 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.314 dated 07.05.2016, under Sections 406,498-A, 506 of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Ballabgarh, District Faridabad and subsequent proceedings arising therefrom on the basis of compromise/agreement dated 30.07.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of respondent No.2-complainant. Now, dispute between the parties has been resolved.

Vide order dated 09.01.2019, 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 Chief Judicial Magistrate, Faridabad, wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntary and out of their free will.

Learned State counsel has not disputed that the parties i.e. petitioner, 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.314 dated 07.05.2016, under Sections 406,498-A, 506 IPC, registered at Police Station Ballabgarh, District Faridabad and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

14.03.2019

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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No