

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48038-2018

Date of Decision:-02.05.2019.

Harpeet Kaur and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sunil Kumar, Advocate for
Ms. Gursharan Kaur Mann, Advocate for the petitioners.

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

Mr. Mehakpreet, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No. 0021 dated 10.04.2018 under Sections 406/498-A of the Indian Penal Code registered in Police Station Women, District Police Commissionerate Amritsar and proceedings emanating therefrom on the basis of affidavits with regard to compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Baljit Kaur wife of Baldev Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

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 Judicial Magistrate, 1st Class, Amritsar wherein it has been reported that statements of the parties, except petitioner No.3-Davinder Kaur have been recorded

and they have voluntarily compromised the matter. It has also been submitted that petitioner No.3 Davinder Kaur, wife of Kirpal Singh died on 19.03.2019. Even her death certificate is also part of the report of the learned Trial Court. In this view of the matter, proceedings qua Davinder Kaur wife of Kirpal Singh stand abated. Her name be deleted from the array of the parties.

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 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. 0021 dated 10.04.2018 under Sections 406/498-A of the Indian Penal Code registered in Police Station Women, District Police Commissionerate Amritsar and proceedings emanating therefrom stand quashed qua the petitioners No.1, 2, 4 and 5.

(RAJ SHEKHAR ATTRI)
JUDGE

May 02, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.