

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4929-2018

Date of Decision:-01.05.2019.

Vinod Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ajay Kumar Sharma, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.75 dated 30.08.2013 under Sections 406, 498-A, 323 of the Indian Penal Code registered at Police Station Women, District Patiala and proceedings emanating therefrom on the basis of compromise (Annexure P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Heena. Now, dispute between the parties has been resolved by way of compromise Annexure P-3.

Vide order dated 14.02.2019, 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 Ist Class, Patiala wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

It has been submitted that petitioner Nos.4 to 6 are not accused in the FIR and they did not appear before the trial Court to get recorded their statements. Statements of petitioner Nos.1 to 3 as well as respondent No.2 have been recorded with regard to compromise effected between the parties.

Counsel for the State has 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.75 dated 30.08.2013 under Sections 406, 498-A, 323 of the Indian Penal Code registered at Police Station Women, District Patiala and proceedings emanating therefrom stand quashed qua the petitioners No.1 to 3.

(RAJ SHEKHAR ATTRI)
JUDGE

May 01, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.