

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49980-2018

Date of Decision:-15.05.2019.

Himmat Bhalla and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rahul Singh Birdi, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. A.P. Kaushal, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.224 dated 11.11.2014 under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Model Town Hoshiarpur and proclamation order dated 26.10.2015 passed by learned Chief Judicial Magistrate, Hoshiapur and proceedings emanating therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

In pursuance to the order dated 28.03.2019, affidavit of the complainant has not been filed. However, learned counsel for the petitioner submitted that complainant is already in divorce proceedings before learned Additional District Judge, Ludhiana in HMA No.623 of 05.04.2018 (Annexure P-6) and she already suffered a statement admitting the factum of

compromise and received amount of Rs.3,00,000/- and also admitted the contents of the compromise.

Now her attorney-cum-father Sh. Harish Kumar Bhandari appeared on her behalf and suffered statement and he also produced his Special Power of Attorney. He also admitted the contents of the compromise (Annexure P-2). A bare perusal of the Special Power of Attorney reveals that complainant has specifically authorized her father to appear before this Court.

In the present case, the FIR was registered on the statement of Meenakshi daughter of Sh. Harish Kumar Bhandari. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 15.01.2019, 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 First Class, Hoshiarpur wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter, without any coercion or pressure.

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

(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.224 dated 11.11.2014 under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Model Town Hoshiarpur and proclamation order dated 26.10.2015 passed by learned Chief Judicial Magistrate, Hoshiarpur and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

May 15, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.