

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

Sr. No.207

**CRM-M-39542-2020
Date of Decision: 21.01.2021**

RAHUL KATARIA AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Rakesh Gupta, Advocate,
for the petitioners.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

Mr. Manish Pratap Rana, Advocate,
for respondent No.2-complainant.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making prayer for quashing of FIR No.17 dated 15.06.2019 under sections 406, 498-A IPC registered at Police Station Women, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 27.11.2020, notice of motion was issued and parties were directed to appear before the trial Court/Illaq Magistrate and get their statements recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

In compliance of the order dated 27.11.2020, learned Judicial Magistrate Ist Class, SAS Nagar, has recorded the statements of the parties and submitted his report, the relevant paragraph whereof reads as under:-

“1. As per record, three number of persons arrayed as accused in FIR.

2. As per record, no accused has been declared as Proclaimed Offender.

3. As per record, the case is pending for awaiting challan.

4. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and same is genuine, without any coercion or undue influence.

5. As per record, there is only victim namely Pooja @ Shivani Kataria.”

After hearing the learned counsel for the parties and also going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made, without any pressure or undue influence, on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “*Kulwinder Singh and others Vs. State of Punjab and another*”, 2007(3) RCR (Criminal) 1052, upheld by Hon'ble Apex Court in “*Gian Singh Vs. State of Punjab and others*”, (2012) 10 SCC 303.

Considering the aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.17 dated 15.06.2019 under sections 406, 498-A IPC registered at Police Station Women, District SAS Nagar and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

21.01.2021

himanshu

Whether speaking/reasoned

Yes

Whether reportable

No