

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

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CRM-M-1209-2015.

Date of Decision: 26.05.2015.

Stephen

....Petitioner.

Vs.

State of Punjab and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. A.S. Klar, Assistant Advocate General, Punjab
for respondent No.1-State.

Mr. Pawan Sharma, Advocate for respondent No.2.

Sneh Prashar, J. (Oral)

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short "Cr.P.C."), the petitioner prays for quashing of First Information Report No.370 dated 22.05.2001 for offence punishable under Sections 341, 323, 506, 148 and 149 of the Indian Penal Code (in short "I.P.C.") registered at Police Station Sadar, Jalandhar and subsequent proceedings emanating therefrom, on the basis of compromise (Annexure P2).

Vide order dated 02.02.2015, the parties were directed to appear before the trial Court to get their statements recorded with regard to the compromise. Pursuant thereto, a report has been submitted by Additional Chief Judicial Magistrate, Jalandhar, wherein it has been reported that statements of the parties have been recorded and that they have voluntarily compromised the matter. Learned counsel for the State does not dispute genuineness of the compromise in view of the report of trial Court.

Kalyan Singh was the complainant-victim person. He died and is survived by Sarabjit Kaur-widow. Vide order dated 27.04.2015, complete report from the trial Court regarding the legal heirs of the deceased-complainant Kalyan Singh was called. Pursuant thereto, the Additional Chief Judicial Magistrate, Jalandhar reported that Sarabjit Kaur is the only surviving legal heir of deceased Kalyan Singh. The matter has been compromised by the petitioner with Sarabjit Kaur whose statement was recorded.

A perusal of allegations in the First Information Report reveals that the present case squarely falls in that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the 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 of the present case, 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 criminal proceedings are put to an end. In this view of the matter, the petition is allowed and First Information Report No.370 dated 22.05.2001 for offence punishable under Sections 341, 323, 506, 148 and 149 I.P.C. registered at Police Station Sadar, Jalandhar and proceedings emanating therefrom stand quashed qua the petitioner.

(SNEH PRASHAR)
JUDGE

May 26, 2015.
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