IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-12881-2014
Date of decision : 30.01.2015

Atul Jain and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.J.S.Sandhu, Advocate
for the petitioners.

Mr.Arshdeep Singh Kler, DAG, Punjab.

REKHA MITTAL, J.(ORAL)

The petitioners have prayed for quashing of FIR No.48 dated 13.03.2014, for offence under Sections 452, 323, 380, 427, 506, 340 of the Indian Penal Code (in short "IPC") registered in Police Station Sadar Amritsar, District Amritsar on the basis of compromise dated 31.03.2014 effected between the parties.

The parties were directed to appear before the Illaqa Magistrate/ trial Court on 21.05.2014 to get their statements recorded with regard to genuineness of compromise.

A report has been submitted by the Additional Chief Judicial Magistrate, Amritsar, wherein it has been reported that statements of the petitioners and respondent No.2 (complainant) have been recorded and the statements made by the parties in the Court reveal that they have voluntarily entered into a compromise with an intention to live in peace and harmony.

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Counsel for the petitioners submits that except the complainant, there is no other person who sustained injury in the case.

Counsel for the State has not disputed correctness of assertions of the petitioners that the matter has been settled by way of compromise between the parties.

I have heard counsel for the parties and perused the case file.

A perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court of India 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 view of what has been discussed hereinabove, the petition is allowed and FIR No.48 dated 13.03.2014, for offence under Sections 452, 323, 380, 427, 506, 340 IPC registered in Police Station Sadar Amritsar, District Amritsar and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

January 30, 2015.
DK

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