

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

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CrI. Misc. No. M 28900 of 2014

Date of decision: 10.02.2015

Hari Shankar and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: None for the petitioners
Mr. Ankur Jain, AAG, Punjab
for respondent No. 1
None for respondents No. 2

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioners have prayed for quashing of FIR No. 35 dated 26.03.2012 for offence punishable under Sections 323, 324, 341, 506, 148 and 149 of the Indian Penal Code (in short, 'IPC') (Section 326 IPC added lateron) registered in Police Station Machhiwara, District Khanna and proceedings emanating therefrom on the basis of compromise dated 30.04.2014 (Annexure P-2) arrived at between the parties.

Vide order dated 25.08.2014, 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 Judicial Magistrate Ist Class, Samrala, wherein it has been reported that statements

of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of the report of trial Court. He has further apprised the Court that in all, there are 5 accused in this case, but the present petition has been filed by three of them.

A perusal of allegations in the FIR 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 FIR No. 35 dated 26.03.2012 for offence punishable under Sections 323, 324, 341, 506, 148 and 149 IPC (Section 326 IPC added lateron) registered in Police Station Machhiwara, District Khanna and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

10.02.2015
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