

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

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Crl. Misc. No. M 31713 of 2013

Date of decision: 04.02.2015

Lakhwinder Singh and others
Versus

..... *Petitioners*

State of Punjab and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioners
Mr. Ankur Jain, AAG, Punjab
for respondent No. 1
None for respondents No. 2 and 3

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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.65 dated 07.09.2013 for offence under Sections 458, 323, 427, 148, 149 of the Indian Penal Code (in short, IPC) registered in Police Station Khuian Sarwar, District Fazilka and proceedings emanating therefrom on the basis of compromise dated 11.09.2013 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners submits that dispute between the parties has been settled few days after registration of the FIR and for that reason, challan has not been presented in the Court. It is further submitted that respondents No. 2 and 3 sustained simple injuries constituting offence under Section 323 IPC.

Vide order dated 19.09.2014, 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, Abohar, 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.

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. 65 dated 07.09.2013 for offence under Sections 458, 323, 427, 148 and 149 IPC registered in Police Station Khuian Sarwar, District Fazilka and proceedings emanating therefrom stand quashed qua the petitioners.

(Rekha Mittal)
Judge

04.02.2015
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