

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

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Crl. Misc. No. M 33751 of 2013

Date of decision: 04.02.2015

Gurpreet Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Satish Goel, Advocate
for the petitioner

Mr. Ankur Jain, AAG, Punjab
for the State

Mr. Amandeep Rana, Advocate
for Mr. Jagtar Singh, Advocate
for respondent 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, 'the Code'), the petitioner has prayed for quashing of FIR No. 6 dated 09.01.2008 for offense punishable under Sections 452, 324, 323, 148, 149 of the Indian Penal Code registered in Police Station Raikot and proceedings emanating therefrom on the basis of compromise dated 16.09.2013 (Annexure P-7) arrived at between the parties.

Counsel for the petitioner has contended that co-accused in the case were acquitted of the offence charged by the trial Court. The petitioner was declared proclaimed offender but he was allowed benefit of bail in anticipation of arrest by this court on 11.12.2013. The petitioner has already put in appearance before the trial Court for recording his statement and, therefore, the order dated 24.03.2009, declaring him proclaimed offender otherwise ceases to have its impact.

Vide order dated 25.02.2014, 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 the Sub Divisional Judicial Magistrate, Jagraon 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 of the Code. 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. 6 dated 09.01.2008 under Sections 452, 324, 323, 148, 149, of the Indian Penal Code in Police Station Raikot and proceedings emanating therefrom stand quashed qua the petitioner.

(Rekha Mittal)
Judge

04.02.2015
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