

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-31764-2014

Date of decision : 13.01.2015

Jarnail Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Rahul Sharma, Advocate
for Ms.Poonam Josan, Advocate
for the petitioner.

Mr.Sandeep Kumar Bansal, AAG, Punjab.

Respondent No.2 in person.

REKHA MITTAL, J.(ORAL)

The petitioner has prayed for quashing of FIR No.58 dated 25.04.2007 under Sections 436, 147, 149 of the Indian Penal Code (in short “IPC”) registered in Police Station Subhanpur, District Kapurthala.

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Nirmal Singh. Now the matter has been amicably settled between the parties.

Nirmal Singh complainant in person is present in Court. Affidavit of Nirmal Singh filed in the Court is taken on record. His statement was recorded in the Court. An extract from his statement is quoted thus:-

“FIR No.58 dated 25.04.2007 was registered in Police Station Subhanpur, District Kapurthala for offence punishable under Sections 436, 147, 149 of the Indian

Penal Code against the petitioner and his co-accused. The co-accused in the case filed petition (CRM-M-5357-2013) seeking quashing of FIR on the basis of compromise which was allowed by this Court on May 09, 2013 as dispute between the parties has been settled by way of compromise. I have got no objection if the aforesaid FIR and proceedings emanating therefrom are quashed qua the petitioner as well. ”

Counsel for the petitioner submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings. Affidavit of Jarnail Singh petitioner filed in the Court is also taken on record.

Counsel for the State has not disputed correctness of the contention of the petitioner.

I have heard counsel for the parties and perused the records.

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.58 dated 25.04.2007 under Sections 436, 147, 149 IPC registered in Police Station Subhanpur, District Kapurthala and proceedings emanating therefrom are ordered to be quashed, qua the petitioner subject to deposit of Rs.20,000/- with the High Court Legal Services Committee within a period of one month.

(REKHA MITTAL)
JUDGE

January 13, 2015.

Davinder Kumar