

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

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Crl. Misc. No. M 39304 of 2014
Date of decision: 20.02.2015

Kulwant Singh and others

..... Petitioners

Versus

Harbans Kaur

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Shery K Singla, Advocate
the petitioners

Mr. Ankur Jain, AAG, Punjab
for the State

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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 criminal complaint No. 66 dated 16.12.2009 for offence punishable under Sections 307, 326, 324, 323, 452, 506 read with Section 34 of the Indian Penal Code (in short, 'IPC') pending in the Court of Judicial Magistrate Ist Class, Budhlada and proceedings emanating therefrom on the basis of compromise (Annexure P-4) arrived at between the parties.

Counsel for the petitioners contends that Harbans Kaur-

respondent is the only person, sustained injury (s) in the occurrence. The complaint was file for offence punishable under Section 307, 326, 324, 323, 452, 506, 34 IPC but the charge has been framed for offence under sections 452, 323, 324, 506 read with Section 34 IPC as per order dated 27.08.2014 (Annexure P3).

Vide order dated 18.11.2014, 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, Budhlada, 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 complaint 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 criminal

complaint No. 66 dated 16.12.2009 for offence under Sections 307, 326, 324, 323, 452, 506 read with Section 34 IPC pending in the Court of Judicial Magistrate Ist Class, Budhlada and proceedings emanating therefrom on the basis of compromise (Annexure P-4) arrived at between the parties are ordered to be quashed qua the petitioners.

(Rekha Mittal)
Judge

20.02.2015
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