

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

**CRM No.M-41761 of 2014 (O&M)
Decided on : 30.04.2015**

Shamsher Singh & anr.

.... Petitioner(s)

Vs.

State of Punjab and anr.

.... Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. Vishwajit Bedi Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

MAHESH GROVER, J.(Oral)

This is a petition under Section 482 Cr.P.C praying for quashing of FIR No.5 dated 10.01.2013 registered under Sections 328/34 IPC at Police Station Rajpura, Patiala and all consequent proceedings arising therefrom on the basis of compromise.

On 09.12.2014, this Court had directed the Illaqa Magistrate to record the statement of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

That report has since been received along with copies of the statements of the affected persons which also indicates that the matter has been resolved amicably between the parties without any pressure from any quarter.

The Hon'ble Supreme Court in ***Gold Quest International Private Ltd. vs. State of Tamil Nadu and others, 2014(4) RCR (Crl.) 206*** has held that the disputes which are substantially

matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.PC read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court in ***Sube Singh & anr. vs. State of Haryana & anr., 2013(4) RCR (Crl.) 102*** has held that the High Court is vested with unparalleled power to quash criminal proceedings at any stage to secure the ends of justice .

Having regard to the aforesaid and the observations made by the Full Bench of this Court in ***Kulwinder Singh v. State of Punjab reported as 2007(3) Law Herald 2225*** and of Hon'ble Supreme Court in ***Gian Singh Vs. St. of Punjab*** reported as ***2012 (4) RCR (Crl.) 543***, instant petition is accepted. Consequently, FIR No.5 dated 10.01.2013 registered under Sections 328/34 IPC at Police Station Rajpura, Patiala and all consequent proceedings arising therefrom qua petitioners are hereby quashed.

24.04.2015
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(Mahesh Grover)
Judge