

(1) CRM-M-1376-2016(O&M)

Date of decision: 26.07.2017.

Rajiv and others ...Petitioners
Versus
State of Punjab and another ...Respondents

(1I) CRM-M-8943-2016(O&M)

Date of decision: 26.07.2017.

Husan Lal alias Sonu ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hitesh Kaplish, Advocate
for the petitioners.

Mr. Randeep Singh Khaira, AAG, Punjab.

Mr. Y.M. Bhagirath, Advocate
for respondent No.2-complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of above mentioned two petitions as they arise from the same FIR.

The petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners seeking quashing of FIR No.183 dated 18.12.2009, under Sections 452, 323, 506, 148 and 149 IPC, registered at Police Station Raikot, District Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 16.01.2010 (Annexure P-1) and 19.01.2010 (Annexure P-2).

Learned counsel appearing for the petitioners submits that he has withdrawn the petition with regard to petitioner No.1 Rajiv as he has been declared proclaimed offender by the trial Court.

Vide order dated 06.04.2017, a direction was given to the trial Court/Ilaqa Magistrate to record the statements of the parties and submit a report regarding the genuineness of the compromise and whether any of the accused was declared proclaimed offender or not.

As per report dated 25.07.2017, the trial Court has submitted that accused-Amit Kumar @ Amrit Kumar and Hussan Lal @ Sonu along with Malkit Ram (complainant) have appeared before the trial Court and have suffered the statement and acknowledging the compromise. It is further submitted that both the accused Amit Kumar @ Amrit Kumar and Hussan Lal @ Sonu, who were earlier declared as proclaimed offenders, have surrendered before the trial Court and admitted on bail vide order dated 24.07.2017.

This fact is not disputed by learned State counsel, on instructions from SI Baljinder Singh.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in **“Gian Singh vs State of Punjab and another”, 2012(4) R.C.R. (Criminal) 543** and in 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.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the

criminal proceedings to continue.

Accordingly, these petition are allowed and FIR No.183 dated 18.12.2009, under Sections 452, 323, 506, 148 and 149 IPC, registered at Police Station Raikot, District Ludhiana and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners i.e. Amit Kumar @ Amrit Kumar and Hussan Lal @ Sonu.

(ARVIND SINGH SANGWAN)
JUDGE

26.07.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No