

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

CRM-M No. 1702 of 2017(O&M)

Date of decision: 18.4.2017

Sandeep and another

....Petitioners

VERSUS

Union Territory Chandigarh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajesh Khandelwal, Advocate for the petitioners.

Mr. Amit Kumar Goyal, APP for U.T. Chandigarh.

Mr. Kuldeep Khandelwal, Advocate for respondent Nos.2 and 3.

REKHA MITTAL, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 150 dated 31.10.2016 for offence punishable under Sections 323, 354 read with 34 of the Indian Penal Code, 1860, Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sector 19, Chandigarh and proceedings emanating therefrom on the basis of compromise (Annexure P-3 colly) arrived at between the parties.

In the present case, the FIR was registered on the statement of Vinod Kumar son of Pal Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-3 colly.

Vide order dated 20.01.2017, 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 Judicial Magistrate Ist Class, Chandigarh wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State has not disputed that the parties i.e. petitioner and respondent No.2 (complainant) and No.3 have arrived at a settlement with an intent to give burial to their differences.

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 Cr.P.C. Keeping in view 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 discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed, FIR No. 150 dated 31.10.2016 under Sections 323, 354 read with 34 IPC and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 registered at Police Station Sector 19, Chandigarh and proceedings emanating therefrom stand quashed qua the petitioners.

APRIL 18, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no