

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

-.-

Crl. Misc. M 28414 of 2016
Date of decision: 08.05.2017

Bhagwan Singh alias Mitha

..... Petitioner

Versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Navkesh Singh, Advocate
for the petitioner

Mr. Mikhail Kad, AAG, Punjab

None for respondents No. 2 and 3

-.-

Rekha Mittal, J.

Through the present petition filed under Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C.'), the petitioner prays for quashing of FIR No. 0008 dated 13.01.2016 for offence punishable under Section 354 of the Indian Penal Code (in short, 'IPC') registered with Police Station Payal, Khanna, District Ludhiana and proceedings emanating therefrom on the basis of compromise dated 03.06.2016 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners states that the petitioner and respondents No. 2 and 3 have resolved their dispute vide compromise deed dated 03.06.2016.

Vide order dated 16.01.2017, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Payal wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of report of the Court below.

There is no representation on behalf of respondents No. 2 and 3.

A perusal of allegations in the FIR 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 FIR No. 0008 dated 13.01.2016 for offence punishable under Section 354 IPC registered with Police Station Payal, Khanna, District Ludhiana and proceedings emanating therefrom on the basis of compromise dated 03.06.2016 stand quashed qua the petitioner.

(Rekha Mittal)
Judge

08.05.2017
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Whether speaking/reasoned : Yes/No
whether reportable : Yes/No