

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

-.-

Crl. Misc. M 3621 of 2017
Date of decision: 28.04.2017

Gursharanjit Singh alias Gursharan Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. B S Baath, Advocate
for the petitioner

Mr. Mikhail Kad, AAG, Punjab

Ms Manjit Kaur, Advocate
for respondent No. 2

-.-

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.24 dated 03.03.2008 for offence punishable under Sections 307, 313, 376, 406, 498-A, 511 read with Section 120-B of the Indian Penal Code (in short, 'IPC') registered with Police Station Khamano, District Fatehgarh Sahib and proceedings emanating therefrom on the basis of compromise dated 20.10.2014 (Annexure P-4) arrived at between the parties.

Counsel the petitioner argues that after investigation, challan was presented only for offence punishable under Sections **498-A** and **354 IPC**. Further, the allegation with regard to offence under Section 354 IPC has not been attributed to the present petitioner. It is submitted that criminal

proceedings against co accused of the petitioner have already been quashed on the basis of compromise vide judgment dated 27.04.2015 passed in CRM M 770 of 2015. Moreso, the petitioner was earlier declared as proclaimed offender but said order has been set aside by this Court vide order dated 23.12.2016 (Annexure P3). It is also argued that as dispute between the parties has been settled by way of compromise, criminal proceedings against the petitioner are liable to be quashed.

Vide order dated 06.02.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Khamanon, 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.

Counsel for respondent No. 2 has conceded to the position.

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.24 dated 03.03.2008 for offence punishable under Sections 307, 313, 376, 406, 498-A, 511 read with Section 120-B IPC registered with Police Station Khamano, District Fatehgarh Sahib and proceedings emanating therefrom on the basis of compromise dated 20.10.2014, stand quashed qua the petitioner.

(Rekha Mittal)
Judge

28.04.2017
mohan bimbra

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