

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

CRM-M No. 40028 of 2016(O&M)
Date of decision: 19.1.2017

Nirmal Singh and others

....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Gurpreet Kaur, Advocate for
Mr. P.L. Singla, Advocate for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Salinder Kumar Saini, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of complaint No. COMI-858 dated 21.02.2013 for offence punishable under Sections 379, 458, 323, 354, 365, 148 and 149 of the Indian Penal Code as well as summoning order dated 04.10.2014 and proceedings emanating therefrom on the basis of compromise (Annexure P-3) arrived at between the parties.

In the present case, the complaint was filed by Chanchal Kumari daughter of Chamal Lal Sharma. Now, dispute between the parties has been resolved by way of compromise and compromise deed in regard thereto is Annexure P-3.

Vide order dated 09.11.2016, 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, Moga wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

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

Perusal of allegations in the complaint 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. Summoning order dated 04.10.2014 is set aside and complaint No. COMI-858 dated 21.02.2013 under Sections 379, 458, 323, 354, 365, 148 and 149 of the Indian Penal Code and proceedings emanating therefrom stand quashed qua the petitioners.

JANUARY 19, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no