

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

CRM-M-41518-2016(O&M)

Date of decision: 21.07.2017

Narain Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioners.

Mr. Randeep Singh Khaira, AAG, Punjab.

Mr. Rohit Rana, Advocate
for respondent Nos. 2 and 3.

ARVIND SINGH SANGWAN, J. (ORAL)

The present petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners seeking quashing of FIR No.80 dated 18.05.2016 (Annexure P-1), under Sections 323, 325, 341, 148, 149 and 427 IPC, registered at Police Station Mehatpur, District Jalandhar Rural and all consequential proceedings arising therefrom on the basis of compromise dated 08.11.2016 (Anneuxre P-2).

Vide order dated 21.11.2016, 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.

A perusal of the report dated 07.12.2016 reveals that though the trial Court has recorded the statements of the parties to its satisfaction and the parties have voluntarily effected a compromise but it is not mentioned whether any of the accused was declared proclaimed offender or not.

Learned State counsel, on instructions from ASI Baljeet Singh, submits that no accused person is declared proclaimed offender in the present FIR.

A perusal of the compromise (Annexure P-2) also shows that both the parties are residents of same village and have settled their dispute.

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, this petition is allowed. FIR No.80 dated 18.05.2016, under Sections 323, 325, 341, 149, 148, 427 IPC registered at Police Station Mehatpur, District Jalandhar Rural and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

21.07.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No