

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.10189 of 2018 (O&M)
Date of Decision: 04.07.2018.

Sukhwinder Kaur and others

..Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajesh Dhankan, Advocate for
Mr. Jitesh Wadhwan, Advocate
for the petitioners.

Mr. Ajay Pall Singh Gill, DAG, Punjab.

Mr. Sandeep Wadhawan, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of cross case bearing Rapat No.36 dated 10.06.2015 (Annexure P-2) under Section 323, 324, 452, 148, 149 IPC, registered at Police Station Mehta in case FIR No.55 dated 04.06.2015 for offence punishable under Sections 323, 324, 326, 148, 149 of the Indian Penal Code (for short 'IPC'), registered at Police Station Mehta, District Amritsar Rural and proceedings emanating therefrom on the basis of compromise dated 19.01.2018 (Annexure P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Baljit Kaur. Now, dispute between the parties has been resolved by way of compromise dated 19.01.2018 (Annexure P-3).

Vide order dated 12.03.2018, the parties were directed to appear before the trial Court/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 Baba Bakala Sahib, District Amritsar, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and valid one which has ex-facie been entered into between the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 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. Cross case bearing Rapat No.36 dated 10.06.2015 (Annexure P-2) under Section 323, 324, 452, 148, 149 IPC, registered at Police Station Mehta in case FIR No.55 dated 04.06.2015 for offence punishable under Sections 323, 324,

326, 148, 149 IPC, registered at Police Station Mehta, District Amritsar Rural and proceedings emanating therefrom stand quashed qua the petitioners.

July 04, 2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

whether speaking/reasoned
whether reportable

Yes/No
Yes/No