

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.11165 of 2018 (O&M)

Date of Decision: 15.05.2018.

Daljit Singh and others

..Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. M.D. S. Gill, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG, Haryana.

Ms. Sangeeta, Advocate for
Mr. Chater Bhuj Goel, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.141 dated 03.04.2016 for offence punishable under Sections 120-B, 406, 420 of the Indian Penal Code (for short 'IPC'), registered at Police Station Pehowa, District Kurukshetra, Haryana (Annexure P-1) and proceedings emanating therefrom on the basis of compromise dated 05.02.2018 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Virender Kaur. Now, dispute between the parties has been resolved by way of compromise dated 05.02.2018 (Annexure P-2).

Reply by way of affidavit on behalf of Dheeraj Kumar, HPS,

DSP Pehowa, District Kurukshtra on behalf of respondent No.1 is taken on record. Copy thereof be supplied to learned counsel for the petitioners.

Ms. Sangeeta, Advocate for Mr. Chater Bhuj Goel, Advocate appears on behalf of respondent No.2 and filed Vakalatnama, which is taken on record.

Vide order dated 16.03.2018, the parties were directed to appear before the trial Court/Illaq 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, Pehowa, 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. It has further been intimated that petitioner No.5-Narender Goswami son of Sh. Kastrui Lal had died on 05.04.2018 and he has forwarded the copy of the death certificate, which is taken on record. As such, the proceedings qua petitioner No.5-Narender Goswami stands abated.

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. FIR No.141 dated 03.04.2016 for offence punishable under Sections 120-B, 406, 420 IPC, registered at Police Station Pehowa, District Kurukshetra, Haryana (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

15.05.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

whether speaking/reasoned
whether reportable

Yes/No
Yes/No