

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.11175 of 2018 (O&M)

Date of Decision: 15.05.2018.

Sarabjit Singh

..Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Madan Lal Saini, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. R.S. Sekhon, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.312 dated 13.10.2015 for offence punishable under Sections 420 of the Indian Penal Code (for short 'IPC') and Section 24 Emigration Act, registered at Police Station Phagwara City, District Kapurthala(Annexure P-1) and proceedings emanating therefrom on the basis of compromise dated 19.10.2016 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Sarabjit Singh son of Kashmir Singh. Now, dispute between the parties has been resolved by way of compromise dated 19.10.2016 (Annexure P-2).

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, Phagwara, 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. petitioner 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.312 dated 13.10.2015 for offence punishable under Sections 420 IPC and Section 24 Emigration Act, registered at Police Station Phagwara City, District Kapurthala (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

15.05.2018
rekha sharma

whether speaking/reasoned
whether reportable

Yes/No
Yes/No