IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.11300 of 2016 (O&M)

Date of decision: 25.01.2018

Inderjit Singh and another ...Petitioners

VERSUS

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Navjinder S. Sidhu, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Swaran S. Tiwana, 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.73 dated 15.12.2015 for offence punishable under Sections 186, 353, 506 and 332 of the Indian Penal Code registered in Police Station Behrampur, District Gurdaspur and proceedings emanating therefrom on the basis of affidavit with regard to compromise dated 04.03.2016 (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Sushil Gaind son of Janak Raj Gaind. Now, dispute between the parties has been resolved by way of compromise dated 04.03.2016 (Annexures P-2).

Vide order dated 01.04.2016, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise.

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Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Gurdaspur wherein it has been reported that statements of the parties have been recorded that the compromise is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners has relied upon the decision in the judgment of Division Bench titled as ***Vinod @ Boda and others Vs. State of Haryana and another***, *2017(1) RCR(Criminal) 571,* wherein proceedings under Sections 353, 186, 332, 506, 148 and 149 were quashed on the basis of compromise by a public servant. The ratio laid down in the judgment is fully applicable in the case in hand. However, learned State counsel relied upon the judgment of Coordinate Bench titled as ***Harnek Singh and others Vs. State of Punjab and others***, *2016(163) AIC 806,* but the facts of that case are distinguishable and the judgment in Vinod @ Boda's case was not brought to the notice of the Coordinate Bench.

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 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.

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For the foregoing reasons, the petition is allowed, FIR No.73 dated 15.12.2015 for offence punishable under Sections 186, 353, 506 and 332 of the Indian Penal Code registered in Police Station Behrampur, District Gurdaspur and proceedings emanating therefrom stand quashed qua the petitioners.

JANUARY 25, 2018 **(RAJ SHEKHAR ATTRI)**
m. sharma **JUDGE**

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

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