

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-11280 of 2018 (O&M)
Date of decision : 20.07.2018

Gautam Birman and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vikram Lakhlan, Advocate
for the petitioners.

Mr. M.S.Naryal, DAG, Punjab.

Mr. Devender Arya, Advocate
for respondent No.4.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.126 dated 27.10.2017, registered under Sections 406 and 420 IPC at Police Station Lohian, District Jalandhar (Rural) and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Jaskirat Singh son of Balkar Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 16.03.2018, the parties were directed to appear before the Illqa 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, Nakodar wherein it has been reported that

statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion in any manner.

Counsel for the State and respondent No.4 have not disputed that the parties i.e. petitioners and respondent No.4 (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.

For the foregoing reasons, the petition is allowed, FIR No.126 dated 27.10.2017, registered under Sections 406 and 420 IPC at Police Station Lohian, District Jalandhar (Rural) and proceedings emanating therefrom stand quashed qua the petitioners.

20.07.2018

mamta-M

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No