

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.10567 of 2017 (O&M)

Date of decision: 24.07.2018

Rajinder Kumar

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Vinod Kumar, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.51 dated 19.06.2012 for offence punishable under Sections 406 and 420 of the Indian Penal Code (for short 'IPC'), registered at Police Station Chamkaur Sahib, District Rupnagar and subsequent proceedings arising therefrom, including order dated 29.08.2014 passed by learned Judicial Magistrate Ist Class, Rupnagar on the basis of compromise dated 03.03.2017 (Anneuxre P-2).

In the present case, the FIR was registered on the statement of Rajinder Singh son of Balwant Singh. Now, dispute between the parties has been resolved.

Vide orders dated 21.02.2018 and 01.05.2018, 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 Judicial Magistrate Ist Class, Rupnagar wherein it has been reported that statements of

the parties have been recorded and compromise entered between the parties is genuine and is without any pressure or coercion and volunteer.

Learned counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioner, 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.

For the foregoing reasons, the petition is allowed, FIR No.51 dated 19.06.2012 for offence punishable under Sections 406 and 420 IPC, registered at Police Station Chamkaur Sahib, District Rupnagar and proceedings emanating therefrom including order dated 29.08.2014 passed by learned Judicial Magistrate Ist Class, Rupnagar stand quashed qua the petitioner.

July 24, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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