

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

CRM-M No.11857 of 2018 (O&M)
Date of decision: 14.08.2018

Prajesh Kumar and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Neha Jain Advocate
for the petitioners.

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

Mr. K.S. Dadwal, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

Despite service, none has put in appearance on behalf of the accused Uday Partap and Monti.

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of cross version vide Diary No.25 dated 01.09.2017, under Sections 452, 427, 506, 149 of the Indian Penal Code (for short 'IPC') of FIR No.98 dated 30.08.2017 for the offences punishable under Sections 323, 324, 506, 148, 149 IPC and Section 326 IPC added later on vide A DDR No.18 dated 28.01.2018, registered at Police Station Haryana and subsequent proceedings arising therefrom on the basis of compromise dated 06.09.2017 and 14.03.2018 (Annexure P-2).

In the present case, the DDR was registered on the statement of Amit Kumar @ Mogli. Now, dispute between the parties has been resolved.

Vide order dated 21.03.2018, the parties were directed to appear before the learned 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, Hoshiarpur wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is voluntary, without any undue influence or coercion from any quarter and the same is a valid/genuine compromise.

Learned counsel for the State as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioners, 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, Diary No.25 dated 01.09.2017, under Sections 452, 427, 506, 149 IPC of FIR No.98 dated 30.08.2017 for the offences punishable under Sections 323, 324, 506, 148, 149 IPC and Section 326 IPC added later on vide A DDR No.18 dated 28.01.2018, registered at Police Station Haryana and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners only.

August 14, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE