

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-12618 of 2018 (O&M)
Date of decision : 10.08.2018

Amit Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Tarun Dhingra, Advocate
for the petitioners.

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

Ms. Monika Jangra, Advocate
for Mr. Sunil Tandon, 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.0038 dated 02.03.2018, registered under Sections 324, 34, 452 IPC at Police Station City Phagwara, District Kapurthala 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 Rohit Seth. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 30.04.2018 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 and they have voluntarily compromised the matter without any pressure or coercion in any manner.

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.

For the foregoing reasons, the petition is allowed, FIR No.0038 dated 02.03.2018, registered under Sections 324, 34, 452 IPC at Police Station City Phagwara, District Kapurthala and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

10.08.2018
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No