

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

CRM-M-12620-2018

Date of decision: 10.12.2018

Himanshu @ Damroo and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vikasdeep Singh, Advocate, for the petitioners.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Minkal Thatai, Advocate, for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner(s) has prayed for quashing of FIR No.137 dated 23.05.2017 for offence punishable under Sections 323/324/341/326/148/149/506 of IPC (Section 326 IPC added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala and all the proceedings emanating therefrom on the basis of compromise dated 20.11.2017 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Gaurav Sharma son of Late Rakesh Kumar. Now, dispute between the parties has been resolved by way of compromise.

Vide order dated 26.03.2018 the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant to the abovesaid order, a report has been submitted by the Sub-Divisional Judicial Magistrate, Sultanpur Lodhi, wherein it has been reported that statements of the parties have been recorded and they have compromised the matter voluntarily, without any threat, pressure, coercion or undue influence between the parties except petitioner No.6-Banty @ Ajay Kumar.

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It has been specifically stated by learned counsel for the complainant that complainant has arrived at a compromise with all the petitioners except petitioner No.6-Banty.

At this stage, learned counsel for the petitioners seeks permission to withdraw this petition qua petitioner No.6-Banty.

Ordered accordingly.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioners No. 1 to 5 and respondent No.2 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.137 dated 23.05.2017 for offence punishable under Sections 323/324/341/326/148/149/506 of IPC (Section 326 IPC added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala and all the proceedings emanating therefrom stand quashed qua petitioners No. 1 to 5.

December 10, 2018
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(RAJ SHEKHAR ATTRI)
JUDGE

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