

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

CRM-M-13073-2018 (O&M)

Date of decision: 16.8.2018

Kahan Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. R.S.Sidhu, Advocate,
for the petitioners

Mr. M.S.Sidhu, Advocate,
for respondents No.2 to 4.

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

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Code of Criminal Procedure (in short, "Cr.P.C."), the petitioners have prayed for quashing of FIR No. 83 dated 11.12.2013 for offence punishable under Sections 427, 452, 506, 148, 149 of the Indian Penal Code (in short, "IPC") registered at Police Station Srail Amanat Khan, District Amritsar City and proceedings emanating therefrom and cross case on the basis of affidavit of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Kashmir Kaur wife of Sawinder Singh. Now, dispute between the parties has been resolved by way of affidavit of compromise Annexures P-2.

Vide orders dated 28.3.2018 and 24.5.2018, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate, 1st Class, Tarn Taran wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondents No. 2 to 4 have not disputed that the parties i.e. petitioner and respondents No.2 to 4 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. 83 dated 11.12.2013 under Sections 427, 452, 506, 148, 149 IPC registered at Police Station Srai Amanat Khan, District Amritsar City and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

August 16, 2018
Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No

PARITOSH KUMAR
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I attest to the accuracy and
authenticity of this document