

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.13749 of 2017 (O&M)

Date of Decision: 09.07.2018.

Om Parkash and others

..Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sunil Saharan, Advocate for the petitioners.

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

Mr. R.S. Baliyan, Advocate
for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.108 dated 14.12.2016 for offence punishable under Sections 364, 450, 380, 452, 323, 506, 120-B of the Indian Penal Code (for short 'IPC'), registered at Police Station Naya Gaon, District SAS Nagar, Punjab (Annexure P-1) and proceedings emanating therefrom on the basis of affidavit/compromise dated 14/15.04.2017 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Manisha Chaudhary. Now, dispute between the parties has been resolved by way of affidavit/compromise dated 14/15.04.2017 (Annexure P-2).

Vide orders dated 10.08.2017, 09.10.2017, 17.01.2018 and 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 have been submitted by the Judicial

Magistrate Ist Class, Kharar, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and valid one which has ex-facie been entered into between the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent Nos.2 and 3 have not disputed that the parties i.e. petitioners and respondent Nos.2 and 3 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.108 dated 14.12.2016 for offence punishable under Sections 364, 450, 380, 452, 323, 506, 120-B IPC, registered at Police Station Naya Gaon, District SAS Nagar, Punjab (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

09.07.2018
rekha sharma

whether speaking/reasoned
whether reportable

Yes/No
Yes/No