

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

CRM-M-15413-2018 (O&M)

Date of decision: 4.9.2018

Rajbir Singh @ Raju

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gagandeep Singh Sirphikhi, Advocate,
for the petitioners.
Mr. Vishal Sodhi, Advocate, for
Mr. B.S.Mittal, Advocate,
for respondents No.2 and 3.
Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Code of Criminal Procedure (in short, "Cr.P.C."), the petitioner has prayed for quashing of FIR No. 36 dated 17.3.2018 for offence punishable under Sections 379-B of the Indian Penal Code (in short, "IPC") registered at Police Station Fatehgarh Churian, Police District Batala, Gurdaspur and proceedings emanating therefrom and on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Vicky Masih son of Balwinder Masih @ Binda Masih. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 18.4.2018, 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 Judicial Magistrate, 1st Class, Batala 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 and 3 have not disputed that the parties i.e. petitioner and respondents No.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. 36 dated 17.3.2018 under Sections 379-B IPC registered at Police Station Fatehgarh Churian, Police District Batala and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

September 4, 2018
Paritosh Kumar

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