

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.15525 of 2018 (O&M)
Date of Decision: 04.07.2018.

Anil Kumar Mittal

..Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Naveen Dahiya, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.07 for offence punishable under Sections 285, 506, 120B, 34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Tohana, Tehsil Tohana, District Fatehabad (Annexure P-1) 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 Surender Singh. Now, dispute between the parties has been resolved by way of compromise (Annexure P-2).

Vide order dated 19.04.2018, 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 Civil Judge-Cum-Judicial Magistrate Ist Class, Tohana, 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 No.2 have not disputed that the parties i.e. petitioner and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

With regard to offence punishable under Section 25 of the Arms Act a bare perusal of the FIR shows that it is a non-injury case and gun shot was fired in the air only and no injury was caused from the said gun shot.

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.07 for offence punishable under Sections 285, 506, 120B, 34 IPC and Section 25 of Arms Act, registered at Police Station Sadar Tohana, Tehsil Tohana,

District Fatehabad (Annexure P-1) and proceedings emanating therefrom
stand quashed qua the petitioner.

July 04, 2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

<i>whether speaking/reasoned</i>	<i>Yes/No</i>
<i>whether reportable</i>	<i>Yes/No</i>