

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

CRM-M-14676-2017 (O&M)

Date of decision: 28.11.2018

Pooja and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Anurag Chopra, Advocate and
Mr. Paramdeep Singh, Advocate,
for the petitioners.

Mr. Sumit Gupta, Advocate,
for respondent No.2.

Mr. Sukhbir Singh, AAG, 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. 116 dated 12.8.2015 for offence punishable under Sections 389, 177, 211, 120-B of the Indian Penal Code (in short, "IPC") registered at Police Station Jamalpur, District Ludhiana 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 Akhil Gupta son of Ramesh Chand. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide orders dated 7.2.2018, 18.4.2018, 18.7.2018 and 27.9.2018, 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, Ludhiana 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 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.

Statement of the parties except petitioner No.4 have been recorded.

Counsel for the petitioner submits that petitioner No.4 was in jail. However, he was accused and accepted the compromise.

Perusal of the record transpires that the statement of complainant-Akhil Gupta has already been recorded by learned trial Magistrate. He affirmed the compromise with all the petitioners and it has been reported that said compromise is genuine and with consent of all the parties.

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

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. 116 dated 12.8.2015 under Sections 389, 177, 211, 120-B IPC registered at Police Station Jamalpur, District Ludhiana and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

November 28, 2018
Paritosh Kumar

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