

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

CRM-M-15811-2018

Date of decision: 17.10.2018

Gurjinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Surinder Kaur, Advocate for
Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Gautam Thapar, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.178 dated 21.08.2016 under Sections 323, 307, 452, 365, 148, 149 of the Indian Penal Code (for short 'IPC') at Police Station Phillaur, District Jalandhar Rural and subsequent proceedings on the basis of compromise dated 07.04.2018 (Annexure P-3).

In the present case, the FIR was registered on the statement of Dilpreet Kaur wife of Pardeep Singh. Now, dispute between the parties has been resolved.

Vide order dated 26.07.2018, the parties were directed to appear before the learned trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Additional District and Sessions Judge, Jalandhar wherein it has been reported that statements of the parties have been recorded and compromise

entered between the parties voluntarily, genuine and without any coercion or undue influence.

Learned counsel for the State as well as learned counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioner, respondent No.2 (complainant) and respondent No.3, have arrived at a settlement with an intent to give burial to their differences.

Learned State counsel submitted that the injury was only on the non-vital part i.e. right arm which is not danger to life. Moreover, no documents produced on record to establish that the injury caused by the petitioner is found to be danger to life.

To the mind of this court, offence under Section 307 IPC is not made out.

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 and FIR No.178 dated 21.08.2016 under Sections 323, 307, 452, 365, 148, 149 IPC at Police Station Phillaur, District Jalandhar Rural and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioner.

October 17, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE