

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

CRM-M-16427-2018

Date of decision: 08.10.2018

Gurinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parminder Singh, Advocate for
Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.06 dated 16.01.2018, under Section 308 of the Indian Penal Code (for short 'IPC') at Police Station Mulepur, District Fatehgarh Sahib and subsequent proceedings on the basis of compromise dated 16.04.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Jaswinder Singh son of Dharminder Singh. Now, dispute between the parties has been resolved.

Vide order dated 21.04.2018, the parties were directed to appear before the learned trial Court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Fatehgarh Sahib through the learned District and Sessions Judge, Fatehgarh Sahib wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntary, out of their own free will and volition, without any inducement, threat, coercion or undue influence.

Learned counsel for the State has not disputed that the parties i.e. petitioner, respondent No.2 (complainant), 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 and FIR No.06 dated 16.01.2018, under Section 308 IPC at Police Station Mulepur, District Fatehgarh Sahib and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioner.

October 08, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no