

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

CRM-M No.16850 of 2018 (O&M)

Date of decision: 12.07.2018

Sandeep Singh Dhunna and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. M.S. Naryal, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.0022 dated 28.02.2018 for offence punishable under Sections 307, 452, 506, 148 and 149 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act, 1959, registered at Police Station B Division, Police Commissionerate, Amritsar and subsequent proceedings arising therefrom on the basis of compromise dated 16.04.2018 (Anneuxre P-2).

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

Vide order dated 24.04.2018, 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 Judicial Magistrate Ist Class, Amritsar wherein it has been reported that statements of

the parties have been recorded and compromise entered between the parties is without any pressure, duress, inducement, threat of any kind from any corner and voluntarily with their free will.

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

It is a case of no injury. In the FIR, it is alleged that shots were fired but none was injured, therefore, 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, FIR No.0022 dated 28.02.2018 for offence punishable under Sections 307, 452, 506, 148 and 149 IPC and Section 25 of Arms Act, 1959, registered at Police Station B Division, Police Commissionerate, Amritsar and proceedings emanating therefrom stand quashed qua the petitioners.

July 12, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE