

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

CRM-M No.16414 of 2017 (O&M)
Date of decision: 25.04.2018

Harpreet Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

PPresent: Ms. Satwant Mehta, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab

Mr. Jasmandeep, 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.175 dated 11.11.2015, under Sections 307/34 of the Indian Penal Code, read with Section 25/27 of Arms Act, registered at Police Station Civil Lines, Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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

Vide order dated 10.05.2017, the parties were directed to appear before the illaqa magistrate/trial court 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, Batala through the learned District and Sessions Judge, Gurdaspur wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is without any kind of undue influence or pressure.

Counsel for the State of UT Chandigarh has not disputed that the parties i.e. petitioners, respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Reliance has been placed upon the judgment of the coordinate bench of this court titled as *Harbhajan Singh Vs. State of Punjab and others* passed in CRM-M-34568-2013 decided on 14.11.2013 which observed as under:-

“Therefore, merely because Harbhajan Singh is stated to have fired a shot from his pistol in a drunkard condition, an inference cannot be drawn that he had the intention to commit the offence of murder which would amount to offence of attempt to murder under Section 307 IPC. Besides, the parties having amicably resolved their dispute which is purely personal in nature amongst them, it would be just and expedient to quash the FIR so that there is peace and goodwill amongst the villagers.”

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.175 dated 11.11.2015, under Sections 307/34 of the Indian Penal Code, read with Section 25/27 of Arms Act, registered at Police Station Civil Lines, Batala, District Gurdaspur (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

April 25, 2018

m. sharma

(RAJ SHEKHAR ATTRI)

JUDGE

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