

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

CRM-M No.1645 of 2017 (O&M)
Date of decision: 24.04.2018

Gella Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gaurav Singh, Advocate for
Mr. Vaneet Garg, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Ashok Kumar Sharma, 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.39 dated 21.04.2015 for offence punishable under Sections 452, 323 of the Indian Penal Code (for short 'IPC') registered at Police Station Dayalpura, District Bathinda (Annexure P-1) on the basis of compromise (Annexure P-2) and subsequent proceedings arising therefrom.

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

Vide order dated 02.02.2018, 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 the learned Judicial Magistrate Ist Class, Phul wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is voluntarily, without any pressure, threat or coercion.

Counsel for the State as well as 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.

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.39 dated 21.04.2015 for offence punishable under Sections 452, 323 of the Indian Penal Code (for short 'IPC') registered at Police Station Dayalpura, District Bathinda (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioner.

April 24, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no