

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

**CRM-M-17904-2017 (O&M)
Date of decision: 13.11.2018**

Rakesh Kumar Mehta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

CRM-35823-2018

Application is allowed as prayed for.

Amended memo of parties is taken on record.

CRM-M-17904-2017

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.167 dated 27.04.2009, registered under Sections 452, 427, 506, 294 and 323 of the Indian Penal Code (for short 'IPC') at Police Station Civil Lines, District Amritsar City and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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

Vide orders dated 16.08.2017, 14.02.2018, 06.04.2018, 29.05.2018 and 10.07.2018, 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 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 genuine, voluntary and out of their free will.

Learned counsel for the State 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.

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.167 dated 27.04.2009, registered under Sections 452, 427, 506, 294 and 323 IPC at Police Station Civil Lines, District Amritsar City and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

November 13, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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