

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

CRM-M-1940-2018 (O&M)

Date of decision: 19.11.2018

Mukul and others

...Petitioners

Versus

UT of Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Gautam Dutt, APP, UT Chandigarh.

Ms. Kanchan Bala Chandel, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.174 dated 03.08.2016, registered under Sections 341, 324, 323, 34 of the Indian Penal Code (for short 'IPC') and Section 307 IPC (added) at Police Station Manimajra, Chandigarh and subsequent proceedings arising therefrom on the basis of compromise dated 14.12.2017 (Annexure P-2).

In the present case, the FIR was registered on the statement of Mohd. Arshad son of Mohd. Ilyas. Now, dispute between the parties has been resolved.

Vide order dated 23.08.2018, the parties were directed to appear before the learned Juvenile Justice Board to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Principal Magistrate, Juvenile Justice Board, Chandigarh wherein it has been reported that statements of the parties have been recorded and compromise

entered between the parties is without any pressure, coercion or threat from any side.

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.

It has been submitted that at the time of registration of FIR, all the petitioners were juvenile.

Learned State counsel submitted that injury on the person of the victim, is not on vital organ rather on the left armpit.

To the mind of this court, 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 and FIR No.174 dated 03.08.2016, registered under Sections 341, 324, 323, 34 IPC and Section 307 IPC (added) at Police Station Manimajra, Chandigarh and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

November 19, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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