

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-19477 of 2018 (O&M)
Date of decision : 31.07.2018

Daizy alias Dipesh Arora and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioners.

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

None for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.04 dated 05.01.2017, registered under Sections 323, 324, 148, 149, 120-B IPC at Police Station Division No.1, Pathankot, District Pathankot and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Bharat Sharma son of Mohinder Partap Sharma. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 08.05.2018, 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 Chief Judicial Magistrate, Pathankot wherein it has been reported that statements

of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion in any manner.

Counsel for the State has not disputed that the parties i.e. petitioners and respondent Nos.2 and 3 (complainant party) 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.04 dated 05.01.2017, registered under Sections 323, 324, 148, 149, 120-B IPC at Police Station Division No.1, Pathankot, District Pathankot and proceedings emanating therefrom stand quashed qua the petitioners.

31.07.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No