

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

CRM-M-19768-2018 (O&M)

Date of decision: 20.12.2018

Sukhvir Singh and another

...Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. N.S. Sodhi, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Manvir Singh Toor, 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.35 dated 07.04.2018, under Sections 406, 420, 120-B of the Indian Penal Code (for short 'IPC') registered at Police Station Phase-11 SAS Nagar and subsequent proceedings arising therefrom on the basis of compromise dated 03.05.2018 (Annexure P-2).

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

A compromise has been effected only with petitioners namely, Sukhvir Singh and Sandeep Singh. Even Sandeep Singh was declared innocent during the inquiry.

Vide order dated 09.05.2018, the parties were directed to appear before the learned trial court/illqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Additional Chief Judicial Magistrate, SAS Nagar (Mohali) wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, without any pressure or coercion.

Learned counsel for the State as well as learned counsel for respondent No.2 have 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.35 dated 07.04.2018, under Sections 406, 420, 120-B IPC registered at Police Station Phase-11 SAS Nagar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 20, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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