

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRM-M No.20872 of 2018 (O&M)
Date of Decision: 30.08.2018.

Vikram Passi

...Petitioner

Versus

State of Punjab and another

... Respondents

2.

CRM-M No.20897 of 2018 (O&M)
Date of Decision: 30.08.2018

Vikram Passi

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gursimran Singh Madaan, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Vinay Begra, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

These two petitions bearing CRM-M-20872-2018 and CRM-M-20897-2018 shall dispose of by this Court by a common order.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.15 dated 13.02.2007 for offence punishable under Section 307, 171-B, 188, 427, 148, 149 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act, registered at Police Station Sadar Kapurthala, District Kapurthala, Punjab (Annexure P-1) and proceedings

emanating therefrom including order dated 06.06.2009, whereby the petitioner was declared proclaimed offender; on the basis of compromise 25.10.2016 (Annexure P-4) arrived at between the parties.

Now, dispute between the parties has been resolved by way of compromise dated 25.10.2016 (Annexure P-4).

Vide order dated 17.05.2018, 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 learned Additional Chief Judicial Magistrate, Kapurthala, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and valid one which has ex-facie been entered into between the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioner and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

The learned counsel for the petitioner submits that the petitioner was neither named in the FIR, nor alleged to have specifically used any firearm. Besides, this is no injury case. Rather only gate has been allegedly damaged by the assailants. This fact has not been disputed by the learned State counsel. As such, to the mind of this Court, no offence under Section 307 IPC or Section 25 of Arms Act is made out in the present case.

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.15 dated 13.02.2007 for offence punishable under Section 307, 171-B, 188, 427, 148, 149 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act, registered at Police Station Sadar Kapurthala, District Kapurthala, Punjab (Annexure P-1) and proceedings emanating therefrom including order dated 06.06.2009 (Annexure P-2) stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

30.08.2018
rekha

whether speaking/reasoned
whether reportable

Yes/No
Yes/No