

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

CRM-M No.21154 of 2018 (O&M)
Date of decision: 06.08.2018

Jasvir Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Navkiran Singh, Advocate
for the petitioners.

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

Mr. P.S. Thiara, Advocate and
Mr. A.S. Virk, 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.29 dated 26.03.2018 for offence punishable under Sections 452, 307, 324, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 25, 27 of Arms Act, registered at Police Station Haryana, District Hoshairpur and subsequent proceedings arising therefrom on the basis of compromise dated 30.04.2018 (Annexure P-9).

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

Vide order dated 17.05.2018, the parties were directed to appear before the learned trial court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Hoshiarpur wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is

voluntary, without any undue influence or coercion from any quarter and the same is valid and genuine.

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), respondents No.3 to 5 have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that although Kulwinder Singh was having a gun but the same was not used and no firearm injury received by any of the person, therefore, offences as alleged under Section 307 IPC is not made out against the present petitioners.

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.29 dated 26.03.2018 for offence punishable under Sections 452, 307, 324, 148, 149 IPC and Sections 25, 27 of Arms Act, registered at Police Station Hariana, District Hoshairpur stands quashed qua the petitioners.

August 06, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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