

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

CRM-M-22851-2018 (O&M)

Date of decision: 20.12.2018

Sandeep Singh Johal and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sandeep Sharma, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rajesh Kumar, 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.186 dated 27.10.2017, under Sections 323, 324, 148, 149 of the Indian Penal Code (for short 'IPC') (Section 326 IPC added later on) registered at Police Station Division No.5, Police District Police Commissionerate Jalandhar and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Ashu son of Rakesh Kumar. Now, dispute between the parties has been resolved.

Vide order dated 25.05.2018, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

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

the parties is genuine, voluntarily without any pressure, coercion or undue influence from any quarter.

Vide order dated 18.08.2018, report from the learned trial court called who submitted that the challan has not been submitted. However, death of petitioner No.6 is not in dispute.

In this view of the matter, proceedings qua petitioner No.6-Dhillon @ Lakhvinder Singh before the court stands abated.

Learned counsel for the State as well as learned counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioners except petitioner No.6-Dhillon @ Lakhvinder Singh, respondent No.2 (complainant) and respondent No.3, 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.186 dated 27.10.2017, under Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Division No.5, Police District Police Commissionerate Jalandhar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua remaining petitioners except petitioner No.6.

December 20, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE