

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

CRM-M No.21913 of 2017 (O&M)

Date of decision: 02.05.2018

Gurnam Singh @ Gammi and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Narinder S. Lucky, Advocate
for the petitioners.

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

Mr. Jitender Bansal, 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.39 dated 25.05.2017 for offence punishable under Section 382 of the Indian Penal Code (for short 'IPC') and Section 61 of Punjab Excise Act, 1914, registered at Police Station Sadar Banga (Annexure P-1) 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 Ravinder Singh son of Sant Ram. Now, dispute between the parties has been resolved.

Vide order dated 16.01.2018, the parties were directed to appear before the trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar wherein it has been

reported that statements of the parties have been recorded and compromise entered between the parties is genuine, without any pressure and with their own sweet will.

Counsel for the State as well as respondents No.2 and 3 have not disputed that the parties i.e. petitioners, 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, FIR No.39 dated 25.05.2017 for offence punishable under Section 382 of the Indian Penal Code (for short 'IPC') and Section 61 of Punjab Excise Act, 1914, registered at Police Station Sadar Banga (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

May 02, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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