

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

CRM-M-24343-2018 (O&M)

Date of decision: 18.12.2018

Soni Gir and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Zorawar Singh Chauhan, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Vishal Goel, Advocate
for respondents No.2 to 5.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of GD No.36 dated 05.01.2017 (cross-case), registered in FIR No.6 dated 05.01.2017, under Sections 323, 324, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 452, 427 IPC added later on, at Police Station Pasiona, District Patiala and subsequent proceedings arising therefrom on the basis of compromise.

In the present case, the GD was registered on the statement of Rajesh Kumar son of Ashok Kumar. Now, dispute between the parties has been resolved.

Vide order dated 31.05.2018 and 28.08.2018, 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, Patiala wherein it has been reported that

statements of the parties have been recorded and compromise entered between the parties is voluntarily without any pressure, threat or coercion.

Learned counsel for the State as well as learned counsel for respondents No.2 to 5 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondents No.3 to 5, have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the GD 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 GD No.36 dated 05.01.2017 (cross-case), registered in FIR No.6 dated 05.01.2017, under Sections 323, 324, 148, 149 IPC and Sections 452, 427 IPC added later on, at Police Station Pasiona, District Patiala and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 18, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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