

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24821 of 2016 (O&M)

Date of decision: 29.01.2018

Gurtek Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Manu R. Bhardwaj, Advocate for
Mr. J.S. Brar, Advocate
for the petitioners.

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

Mr. K.S. Rana, Advocate for
Mr. N.S. Chahal, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.33 dated 17.05.2016 for offence punishable under Section 306 of the Indian Penal Code registered in Police Station Bariwala District Sri Muktsar Sahib and all the subsequent proceedings arising thereto.

In the present case, the FIR was registered on the statement of Shivraj Singh son of Pritam Singh. Now, dispute between the parties has been resolved by way of compromise.

Initially it is a case of the petitioners that there was dispute with regard to use of canal for irrigation of the field for which the matter was reported to the authority but deceased-Satbir Singh consumed pesticide spray and FIR was lodged by his father Shivraj Singh and compromise has been effected. Police has also submitted the cancellation report. Complainant

Shivraj Singh suffered a statement before the learned Magistrate that compromise has been effected. The statement of remaining Jaspreet Singh, Manpreet Singh, Sukhdev Singh, Harnek Singh and Gurtek Singh have also been recorded. Even from a bare perusal of the record shows that no case is made out for the offence under Section 306 of Indian Penal Code.

Vide order dated 17.01.2017, the parties were directed to appear before the Area 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, Sri Muktsar Sahib through District and Sessions Judge, Sri Muktsar Sahib wherein it has been reported that statements of the parties have been recorded which are genuine, made voluntarily and out of free will of the parties.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 (complainant) 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 **Sube Singh and another Vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** 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

For the foregoing reasons, the petition is allowed, FIR No.33 dated 17.05.2016 for offence punishable under Section 306 of the Indian Penal Code registered in Police Station Bariwala District Sri Muktsar Sahib and proceedings emanating therefrom stand quashed qua the petitioners.

JANUARY 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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