

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.25211 of 2016 (O&M)

Date of Decision: 21.05.2018.

Parminder Singh

..Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Arshdeep Singh Sivia, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

None for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.63 dated 02.04.2015 for offence punishable under Sections 307/336 of the Indian Penal Code (for short 'IPC') and Section 27 of Arms Act (later on offence under Section 307 IPC deleted and offence under Section 336 IPC added), registered at Police Station Sarabha Nagar, Ludhiana and proceedings emanating therefrom on the basis of compromise dated 20.04.2015 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Kulwinder Singh. Now, dispute between the parties has been resolved by way of compromise dated 20.04.2018 (Annexure P-2).

Vide order dated 26.07.2016 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, Ludhiana, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and valid one which has ex-facie been entered into between the parties with their free volition, without any inducement or threat.

Counsel for the State has not disputed that the parties i.e. petitioner has arrived at a settlement with an intent to give burial to their differences.

Initially FIR No.63 dated 02.04.2015 was registered for offence punishable under Sections 307 of the Indian Penal Code (for short 'IPC') and Section 27 of Arms Act, however, subsequently Section 307 IPC was deleted and offence under Section 336 IPC was added later on. As such to the mind of this Court under Section 307 IPC is not made out in this case.

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.63 dated 02.04.2015 for offence punishable under Sections 307/336 of the

Indian Penal Code (for short 'IPC') and Section 27 of Arms Act (Section 307 IPC deleted and offence under Section 336 IPC added), registered at Police Station Sarabha Nagar, Ludhiana and proceedings emanating therefrom stand quashed qua the petitioner.

21.05.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

<i>whether speaking/reasoned</i>	<i>Yes/No</i>
<i>whether reportable</i>	<i>Yes/No</i>