

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

CRM-M-2589-2016 (O&M)

Date of decision: 11.12.2018

Satpal Singh Bains

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Beant Singh Seemar, Advocate
for the petitioner.

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

Mr. Mandeep K. Dhot, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.27 dated 12.04.2015, registered under Sections 279, 337, 338, 427 of the Indian Penal Code (for short 'IPC') at Police Station Phase-8, District SAS Nagar, Mohali, Punjab and subsequent proceedings arising therefrom on the basis of compromise.

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

Vide order dated 25.01.2016, the parties were directed to appear before the learned trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Chief Judicial Magistrate, SAS Nagar Mohali wherein it has been reported that statements of the parties have been recorded and compromise entered between

the parties is valid, out of their free will and without any coercion.

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

Vide order dated 07.08.2018, affidavit of victim-Vinod Kumar was filed. Today, learned counsel submitted that he is satisfied with the compromise and endorsed the contents of the affidavit.

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.27 dated 12.04.2015, registered under Sections 279, 337, 338, 427 IPC at Police Station Phase-8, District SAS Nagar, Mohali, Punjab and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

However, victim-Vinod Kumar is at liberty to initiate any proceedings under Motor Vehicles Act.

December 11, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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