

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

CRM-M No.25278 of 2017 (O&M)

Date of decision: 19.02.2018

Hargopal Singh alias Gopi

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Navjinder S. Sidhu, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Swaran Tiwana, Advocate
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 03.05.2014 for offence punishable under Sections 307, 323, 326, 320, 506, 341, 148 and 149 of the Indian Penal Code registered at Police Station City Batala, District Batala and proceedings emanating therefrom on the basis of compromise dated 26.04.2017 (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of ASI Iqbal Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Initially case was made out under Sections 307/34 IPC but after completion of the investigation, challan was submitted against five persons. However, present petitioner absconded and could not be arrested. Ultimately, he was declared proclaimed offender. The remaining four persons faced the trial and ultimately the same resulted into acquittal by detailed judgment dated 26th July, 2016. However, no offence under Section 307 along with Sections 323, 324, 326,

320, 341, 506, 148 and 149 IPC is made out. On appreciation of evidence, trial court has acquitted the remaining accused.

Vide order dated 13.11.2017, 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 Additional District and Sessions Judge, Gurdaspur wherein it has been reported that statements of the parties have been recorded and parties have entered into compromise voluntarily.

Counsel for the State and respondents 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.

Apart from it, FIR was registered against some unknown persons. However, injured Manoj Kumar @ Gori has stated that numerous persons including present petitioner were standing on the road side where complainant was going and Deep raised lalkara to teach him a lesson then Karanvir, Baba Kinder, Vicky, Kannu, Mannu and Baljit Singh had inflicted injuries. No injury has been attributed to the present petitioner. Even nothing has been shown whether he was a part of criminal conspiracy or common intention. Therefore, he is not liable for the injuries inflicted on the person of the complainant by the other persons.

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

For the foregoing reasons, the petition is allowed, FIR No.63 dated 03.05.2014 for offence punishable under Sections 307, 323, 326, 320, 506, 341, 148 and 149 of the Indian Penal Code registered at Police Station City Batala, District Batala and proceedings emanating therefrom stand quashed qua the petitioner.

February 19, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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