

CRM-M-26710-2016
Date of Decision:20.03.2018.

NASIR AND ANR.

...Petitioners

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Saqib Ali Khan, Advocate
for the petitioner(s).

Mr. Davinder Bir Singh, DAG, Punjab.

RAJ SHEKHAR ATTRI, J. (ORAL)

By invoking Section 482 Cr.P.C., petitioners have prayed for quashing of FIR No. 33 dated 07.04.2013 under Sections 323, 326, 324, 341, 506, 34 of India Penal Code (Section 325 IPC added later on), registered at Police Station City Malerkotla (now Police Station City II), (Annexure P-1) and proceedings emanating therefrom on the basis of affidavit(Annexure P-3) with regard to compromise arrived at between the parties.

In the present case, the FIR was registered on the statement of Mohammed Shahid @ Langdi s/o Mohammed Ishaq. Now, dispute between the parties has been resolved by way of compromise.

Vide order dated 04.08.2016, 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 Judicial Magistrate 1st Class, Malerkotla, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter. As such, the compromise is genuine, voluntary and without any coercion or undue influence qua the petitioners. However, Mohd. Iftikhar was abstained from the case proceedings and he was declared as proclaimed offender.

However, learned counsel for the petitioners submitted that this Court vide order dated 15.03.2018 in CRM-M-44776 of 2017, has quashed the FIR No. 33 dated 07.04.2013 qua the accused Mohd. Iftikhar.

Counsel for the State and respondent No.2 have not disputed that parties i.e. petitioner 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 vs. State of Punjab and another' 2012 (4) R.C. R. (Criminal) 543 and in the light of facts and circumstances discussed hereinabove, 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. 33 dated 07.04.2013 under Sections 323, 326, 324, 341, 506, 34 of India Penal

Code (Section 325 IPC added later on), registered at Police Station City Malerkotla (now Police Station City II), (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

March 20, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No