

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27192 of 2018 (O&M)

Date of Decision: 04.09.2018.

Naveen Hans

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amit Dhawan, Advocate for the petitioner.

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

Mr. Abhimanyu Vinayak, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.132 dated 24.10.2013 for the offences punishable under Sections 406, 420 of the Indian Penal Code (for short 'IPC') and Section 24 of Immigration Act, 1983, registered at Police Station Lohian, District Jalandhar and all the proceedings emanating therefrom on the basis of compromise dated 21.02.2018 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Balkar Singh son of Natha Singh. Now, dispute between the parties has been resolved.

Vide order dated 04.07.2018, the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub

Divisional Judicial Magistrate, Nakodar, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine, voluntary, without any threat, coercion or undue influence.

Counsel for the State as well as counsel for respondent Nos.2 and 3 have not disputed that the parties i.e. petitioner and respondent Nos.2 and 3, 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 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.132 dated 24.10.2013 for the offences punishable under Sections 406, 420 of the Indian Penal Code (for short 'IPC') and Section 24 of Immigration Act, 1983, registered at Police Station Lohian, District Jalandhar and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

04.09.2018
rekha sharma

whether speaking/reasoned
whether reportable

Yes/No
Yes/No