

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

CRM-M-27930-2016

Date of decision: 31.10.2018

Karnail Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rahul Sharma, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

None for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.36 dated 22.05.2015, registered under Sections 323, 324, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 325, 326 IPC added later on, at Police Station Sadar Batala Police District Batala, District Gurdaspur and subsequent proceedings arising on the basis of compromise (Annexure P-2).

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

Vide orders dated 23.05.2018 and 29.08.2018, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Batala wherein it has been reported that statements of the parties except petitioner No.4-Ranjit Singh who has since died on 19.11.2017 have been recorded and compromise entered between

the remaining parties is valid, genuine, with free consent and without any pressure, threat, coercion or undue influence from any quarter.

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

As petitioner No.4-Ranjit Singh has expired on 09.11.2017 i.e. after filing of the petition, therefore, proceedings against him stands abated.

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.36 dated 22.05.2015, registered under Sections 323, 324, 148, 149 IPC and Sections 325, 326 IPC added later on, at Police Station Sadar Batala Police District Batala, District Gurdaspur and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners namely Karnail Singh, Shamsher Singh, Manpreet Singh @ Hatho and Joban Preet Singh.

October 31, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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