

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

CRM-M-28755-2018 (O&M)

Date of decision: 11.12.2018

Ajay Swami

...Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. J.S. Rana, Advocate for
Mr. Vinod S. Bhardwaj, 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.133 dated 30.08.2011, registered under Sections 420/406 of the Indian Penal Code (for short 'IPC') at Police Station Phase-I, SAS Nagar Mohali and subsequent proceedings arising therefrom on the basis of Memorandum of Understanding dated 30.04.2015 (Annexure P-3) including order dated 08.07.2014 passed by the learned Chief Judicial Magistrate, SAS Nagar Mohali.

In the present case, the FIR was registered on the statement of Capt. Randeep Hundal. Now, dispute between the parties has been resolved.

Vide order dated 22.10.2018, the parties were directed to appear before the learned trial court/Illaq Magistrate 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 genuine, without any force, fraud and pressure.

Learned counsel for the State 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.

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.133 dated 30.08.2011, registered under Sections 420/406 IPC at Police Station Phase-I, SAS Nagar Mohali and all subsequent proceedings including order dated 08.07.2014 passed by the learned Chief Judicial Magistrate, SAS Nagar Mohali arising therefrom on the basis of Memorandum of Understanding stands quashed qua petitioner.

December 11, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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