

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.28988 of 2016 (O&M)

Date of Decision: 01.05.2018.

Manbir Singh Cheema and another

..Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.B.S. Dhillon, Advocate for the petitioners.

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

Mr. Amiteshwar S. Cheema, Advocate
for respondent Nos.2 to 4.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.78 dated 14.10.2015 for offence punishable under Sections 307, 325, 323, 34 of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, registered at Police Station Division No.6, Jalandhar and proceedings emanating therefrom on the basis of compromise dated 25.07.2016 (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Gagandeep Singh. Now, dispute between the parties has been resolved by way of compromise dated 25.07.2016 (Annexures P-2).

Vide order dated 19.02.2018, 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 Ist Class, Jalandhar, wherein it has been reported that statements of

the parties have been recorded that the compromise is genuine and valid one which has ex-facie has been entered into by the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent Nos.2 to 4 have not disputed that the parties i.e. petitioners and respondent Nos.2 to 4 have arrived at a settlement with an intent to give burial to their differences.

With regard to offence under Sections 307 IPC, the State counsel on instructions has submitted that offence under Section 307 IPC was not made out and investigating agency is going to file cancellation report in this regard.

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.78 dated 14.10.2015 for offence punishable under Sections 307, 325, 323, 34 of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, registered at Police Station Division No.6, Jalandhar and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

01.05.2018
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whether speaking/reasoned
whether reportable

Yes/No
Yes/No