

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-28423 of 2015 (O&M)
Date of decision : 31.07.2018

Lakhan Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: None for the petitioners and respondent Nos.2 to 4.

Mr. M.S.Naryal, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.122 dated 29.07.2015, registered under Sections 452, 323, 324, 34 IPC at Police Station Maur, District Bhatinda and proceedings emanating therefrom on the basis of compromise and affidavit (Annexures P-2 and P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Baldev Singh son of Roop Singh. Now, dispute between the parties has been resolved by way of compromise and affidavit Annexures P-2 and P-3.

Vide orders dated 25.08.2015, 01.03.2018 and 08.05.2018, 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 Judicial Magistrate, 1st Class, Talwandi Sabo wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion in any manner.

Counsel for the State has not disputed that the parties i.e. petitioners and respondent Nos.2 to 4 (complainant party) 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.122 dated 29.07.2015, registered under Sections 452, 323, 324, 34 IPC at Police Station Maur, District Bhatinda and proceedings emanating therefrom stand quashed qua the petitioners.

31.07.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No