

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.29448 of 2018 (O&M)
Date of Decision:24.09.2018.

Charanjit Singh Gill

...Petitioner

Versus

Rajesh Kumar Alias Ashok

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Manoj K. Sharma, Advocate
for the respondent.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of Criminal Complaint No.1 dated 6.01.2012 for the offences punishable under Sections 500, 506 of the Indian Penal Code (for short 'IPC') and Section 3 of Prevention of Scheduled Castes and Scheduled Tribes Act, pending before the Court of learned Judicial Magistrate Ist Class, Gurdaspur and all the proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

The matter has been compromised between the parties vide compromise deed dated 16.07.2017. Now, dispute has been resolved.

Vide order dated 17.07.2018, 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 Judicial

Magistrate Ist Class, Gurdaspur, wherein it has been reported that statements of the parties have been recorded that the compromise is valid and genuine.

Counsel for the State as well as counsel for respondent have not disputed that the parties i.e. petitioner and respondent 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. Criminal Complaint No.1 dated 06.01.2012 for the offences punishable under Sections 500, 506 of the Indian Penal Code (for short 'IPC') and Section 3 of Prevention of Scheduled Castes and Scheduled Tribes Act, and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioner.

24.09.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No