

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

316

CRM-M-29451-2018

Date of Decision: November 20, 2018

Jatinder Kumar and another

.....Petitioner(s)

versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

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

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Rajesh Kumar, Advocate for respondent No.2.

Raj Shekhar Attri, J. (Oral)

By invoking Section 482 Code of Criminal Procedure (in short, "Cr.P.C."), the petitioners have prayed for quashing of FIR No. 22 dated 03.04.2016 for offences punishable under Sections 457, 380 of the Indian Penal Code (in short, "IPC"), registered at Police Station Division No.1, District Police Comissionerate Ludhiana and proceedings emanating therefrom on the basis of a compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Sajid Ali son of Sh. Shamsuddin. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 24.09.2018, 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 Judicial Magistrate Ist Class, Ludhiana, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner and respondent No.2 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. 22 dated 03.04.2016 for offences punishable under Sections 457, 380 IPC registered at Police Station Division No.1, District Police Commissionerate Ludhiana and proceedings emanating therefrom stand quashed qua the petitioners.

November 20, 2018
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[RAJ SHEKHAR ATTRI]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No