

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

I.

CRM-M-31213-2018 (O&M)

Date of decision: 17.11.2018

Dalbir Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

II.

CRM-M-31443-2018 (O&M)

Gurmeet Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Randip Singh, Advocate, for
Mr. Vipin Mahajan, Advocate,
for the petitioners in CRM-M-31213-2018
for respondent No.2 in CRM-M-31443-2018

Mr. Vishal Munjal, Advocate,
for the petitioner in CRM-M-31443-2018 and
for respondent No.2.

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

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Code of Criminal Procedure (in short,

27.6.2018 for offence punishable under Sections 452, 323, 324, 148, 149 of the Indian Penal Code (in short, "IPC") and cross case registered vide GD No.23 dated 29.6.2018 under Sections 323, 324, 427, 148, 149 IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur and proceedings emanating therefrom and on the basis of compromise (Annexures P-3) arrived at between the parties.

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

Vide orders dated 25.7.2018 and 26.7.2018, 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, 1st Class, Gurdaspur 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. petitioners 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

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 along with connected petition is allowed and FIR No. 40 dated 27.6.2018 for offence punishable under Sections 452, 323, 324, 148, 149 IPC and cross case registered vide GD No.23 dated 29.6.2018 under Sections 323, 324, 427, 148, 149 IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur and proceedings emanating therefrom stand quashed qua the petitioners in both the cases.

(RAJ SHEKHAR ATTRI)
JUDGE

November 17, 2018

Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No