

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

Criminal Misc.No.M-30616 of 2017 (O&M)

Date of Decision : 28.09.2018

Ajay Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Abhay Kumar Sharma, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

None for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.239 dated 18.12.2015, registered under Sections 353, 332, 186, 506 IPC at Police Station SDR Khanna, District Khanna and proceedings emanating therefrom on the basis of compromise deed (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the complaint of Religare Finvest Limited. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 01.05.2018, 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 Sub Divisional Judicial Magistrate Khanna, 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. petitioner and respondent No.2 (complainant) 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.239 dated 18.12.2015, registered under Sections 353, 332, 186, 506 IPC at Police Station SDR Khanna, District Khanna and proceedings emanating therefrom stand quashed qua the petitioner.

28.09.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE