

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31774 of 2018 (O&M)

Date of Decision:30.10.2018.

Kamal Sharma and another

...Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Munish Mittal, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Amit Arora, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.0209 dated 28.02.2018 for the offences punishable under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code (for short 'IPC') subsequently petitioner No.2 was arrested under Section 216 IPC, registered at Police Station Karnal City, District Karnal (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Aashish Grover son of Seva Ram. Now, dispute between the parties has been resolved.

Vide order dated 27.07.2018, 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 Chief Judicial Magistrate, Karnal, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine, voluntarily, without any coercion or undue influence.

Counsel for the State as well as counsel for 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 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.0209 dated 28.02.2018 for the offences punishable under Sections 406, 420, 467, 468 and 471 IPC subsequently petitioner No.2 was arrested under Section 216 IPC, registered at Police Station Karnal City, District Karnal (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

30.10.2018
rekha sharma

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No