

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

Criminal Misc.No.M-32105 of 2018 (O&M)

Date of Decision : 27.11.2018

Nirmal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Amit Dhawan, Advocate for the petitioner.

Mr. C.L.Pawar, Senior DAG, Punjab.

Mr. Abhimanyu Vinayak, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.231 dated 23.10.1997 for offence punishable under Sections 323, 325, 452, 34 IPC registered in Police Station Nakodar District Jalandhar and all proceedings emanating therefrom on the basis of compromise (Annexures P-6) arrived at between the parties.

In the present case, the FIR was registered on the statement of Tirath Singh son of Resham Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-6.

Vide order dated 11.10.2018, 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 the Civil Judge (Jr. Division), Nakodar wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State and respondent No. 2 have 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.231 dated 23.10.1997 for offence punishable under Sections 323, 325, 452, 34 IPC registered in Police Station Nakodar District Jalandhar and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

27.11.2018
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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No