

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

Criminal Misc.No.M-32981 of 2016 (O&M)

Date of Decision : 12.02.2018

Ram Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Vishal R.Lamba, Advocate for the petitioners.

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

None for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of cross case bearing Rapat No.16 dated 20.09.2015, registered under Sections 324, 326, 148, 149 IPC at Police Station City South, Moga in FIR No.160 dated 20.09.2015, registered under Sections 336, 324, 323, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station City South, Moga and proceedings emanating therefrom on the basis of affidavits with regard to compromise (Annexures P-3) arrived at between the parties.

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

In connected petition i.e. Criminal Misc.No.M-28953 of 2016, titled as Sukhwant Singh and others versus State of Punjab and another for quashing of FIR No.160 dated 20.09.2015, registered under Sections 324, 325, 336, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station City South, Moga, this Court, vide order dated 22.08.2016, directed the parties 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 Judicial Magistrate, 1st Class, Moga in aforesaid connected petition wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State has not disputed that the parties i.e. petitioners 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, cross case bearing Rapat No.16 dated 20.09.2015, registered under Sections 324, 326, 148, 149 IPC at Police Station City South, Moga in FIR No.160 dated 20.09.2015, registered under Sections 336, 324, 323, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station City South, Moga and proceedings emanating therefrom stand quashed qua the petitioners.

12.02.2018

mamta-M

Whether speaking/reasoned

*Whether Reportable :***(RAJ SHEKHAR ATTRI)****JUDGE**

Yes/No

Yes/No