

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

CRM-M No. 32206 of 2017

Date of decision: 29.01.2018

Balwinder Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Harinder Singh, Advocate
for the petitioners.

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

Mr. A.S. Gill, Advocate
for respondents No. 2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 138 dated 02.12.2011 for offence punishable under Sections 326/323/324/34 of the Indian Penal Code registered in Police Station Dharamkot, District Moga and proceedings emanating therefrom on the basis of affidavits with regard to compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Balkar Singh son of Lehna Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 31.08.2017, 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 Judicial Magistrate, 1st Class, Moga wherein it has been reported that the compromise between the L.Rs of complainant Balkar Singh(since deceased) i.e Gian Kaur and Surjit Singh as well as alleged eye-witness namely

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Sukhjinder Singh and accused Balwinder Singh, Mukhtiar Singh and Nirmal Singh seems to be genuine and without any pressure or coercion.

Counsel for the State and respondents No. 2 and 3 have not disputed that the parties i.e. petitioners and respondents No.2 and 3 (complainants) 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. 138 dated 02.12.2011 for offence punishable under Sections 326/323/324/34 of the Indian Penal Code registered in Police Station Dharamkot, District Moga and proceedings emanating therefrom stand quashed qua the petitioners.

JANUARY 29, 2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no