

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

Criminal Misc.No.M-33618 of 2018 (O&M)

Date of Decision : 15.11.2018

Abhishek Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab

Mr. Nitin Bansal, Advocate
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.58 dated 06.04.2018 for offence punishable under Sections 379-B, 411 of the Indian Penal Code registered at Police Station Bhargo Camp, District Jalandhar and proceedings emanating therefrom on the basis of affidavit with regard to compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Nand Lal son of Uttam Chand. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 06.08.2018, 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 Addl.

Sessions Judge, Jalandhar 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 Nos. 2 and 3 have not disputed that the parties i.e. petitioner and respondent Nos.2 and 3 (complainant party) 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.58 dated 06.04.2018 for offence punishable under Sections 379-B, 411 of the Indian Penal Code registered at Police Station Bhargo Camp, District Jalandhar and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

15.11.2018
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No