

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

CRM-M No.3362 of 2018 (O&M)

Date of decision: 24.07.2018

Amarbir Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.S. Bawa, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Sandeep S. Majithia, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.85 dated 23.09.2013 for offence punishable under Sections 307, 148, 149, 506 of the Indian Penal Code (for short 'IPC'), Sections 25 and 27 of Arms Act and Sections 3 and 4 of S.C. And S.T. Act, registered at Police Station Majitha, District Amritsar (Rural) and subsequent proceedings arising therefrom on the basis of compromise dated 24.12.2013 (Anneuxre P-2).

In the present case, the FIR was registered on the statement of Ajit Singh @ Bura son of Rattan Singh. Now, dispute between the parties has been resolved.

Vide order dated 01.05.2018, 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 Judicial Magistrate Ist Class, Amritsar wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is amicable, voluntary, out of free will, without any pressure or coercion.

Learned counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Although, present petition has been filed against the present petitioners but complainant-Ajit Singh @ Bura in his statement recorded before the learned Judicial Magistrate Ist Class, Amritsar, has specifically stated that the present petitioners are not the same person whose names are mentioned in the FIR, therefore, offences as alleged including Section 307 IPC and Sections 25 and 27 of Arms Act not made out against the present petitioners.

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.85 dated 23.09.2013 for offence punishable under Sections 307, 148, 149, 506 IPC, Sections 25 and 27 of Arms Act and Sections 3 and 4 of S.C. And S.T. Act, registered at Police Station Majitha, District Amritsar (Rural) and proceedings emanating therefrom stand quashed qua the petitioners.

July 24, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no