

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

**Criminal Misc.No.M-32808 of 2017(O&M)
Date of Decision : 25.01.2018**

Haji Akhtar and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Jai Bhagwan, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Aseem Kataria, Advocate
for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.0077 dated 11.11.2016, registered under Sections 323, 341, 506, 148 and 149 IPC at Police Station City II Malerkotla, and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

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

Vide order dated 14.11.2017, 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 Addl.

Civil Judge (Senior Division)-cum-Sub Division Judicial Magistrate, Malerkotla 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. petitioners 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.0077 dated 11.11.2016, registered under Sections 323, 341, 506, 148 and 149 IPC at Police Station City II Malerkotla, and proceedings emanating therefrom stand quashed qua the petitioners.

25.01.2018
mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No