

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

CRM-M-34227-2017

Date of decision: 15.12.2018

Avtar Singh and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Deepak Sabherwal, Advocate,
for the petitioner(s).

Mr. C.L.Pawar, Sr. DAG, Punjab

Mr. Pankaj Kundra, Advocate,
for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner(s) has prayed for quashing of FIR No. 32 dated 16.2.2012 for offences punishable under Sections 323, 186, 353, 332, 506, 34 of the Indian Penal Code (307 IPC added later on) registered at Police Station City Kapurthala, District Kapurthala and proceedings emanating therefrom on the basis of compromise (Annexures P-2) arrived at between the parties.

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

Vide order dated 16.1.2018, 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 learned District & Sessions Judge, Kapurthala wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Learned State counsel states that offence under Section 307 IPC is not made out as the injury was simple in nature.

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. 32 dated 16.2.2012 under Sections 323, 186, 353, 332, 506, 34 IPC registered at Police Station City Kapurthala, District Kapurthala and proceedings emanating therefrom stand quashed qua the petitioner(s).

December 15, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

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