

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

CRM-M No.35103 of 2016 (O&M)

Date of decision: 16.02.2018

Buta Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. R.S. Sekhon, Advocate
for the petitioners.

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

Mr. Amandeep Saini, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

CRM-11657-2017

This is an application filed under Section 482 of Code of Criminal Procedure seeking an opportunity to get record the statement of the parties before the illaqa Magistrate/trial court.

The statements of the parties have already been recorded, therefore, the application has become infructuous and the same is disposed of as such.

CRM-M-35103-2016

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.106 dated 22.07.2013 for offence punishable under Sections 452, 323, 34 of the Indian Penal Code registered at Police Station Kulgari and proceedings emanating therefrom on the basis of compromise dated 22.09.2016 (Annexures P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Sukhjinder Singh son of Hari Singh. Now, dispute between the parties has been resolved by way of compromise (Annexures P-3).

Vide order dated 28.07.2017, the parties were directed to appear before the learned Additional Sessions Judge to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Additional Sessions Judge, Ferozepur through the District and Sessions Judge, Ferozepur wherein it has been reported that statements of the parties recorded and compromise entered between the parties is genuine, without any coercion and threat or undue influence.

Counsel for the State and respondents 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.

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.106 dated 22.07.2013 for offence punishable under Sections 452, 323, 34 of the Indian Penal Code registered at Police Station Kulgari and proceedings emanating therefrom stand quashed qua the petitioners.

February 16, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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