

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

CRM-M-34453-2017 (O&M)

Date of decision: 11.12.2018

Jagsheer Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Madan Gupta, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab assisted by
ASI Sohal Lal, PS Dugri Ludhiana.

Ms. Meenakshi Dhiman, Advocate for
Mr. Raghav Sharma, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.79 dated 01.08.2017, registered under Sections 307, 452, 323, 506, 427, 148, 149 of the Indian Penal Code (for short 'IPC') at Police Station SBS Nagar, District Police Commissionerate and subsequent proceedings arising therefrom on the basis of compromise dated 18.08.2017 (Annexure P-2) and 25.08.2017 (Annexure P-3).

In the present case, the FIR was registered on the statement of Balraj Singh son of Ravinder Singh. Now, dispute between the parties has been resolved.

Vide orders dated 15.09.2017, 17.05.2018 and 14.08.2018, the parties were directed to appear before the learned trial court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned

Judicial Magistrate Ist Class, Ludhiana wherein it has been reported that

statements of the parties have been recorded and compromise entered between the parties is without any coercion, inducement or threat.

Learned counsel State counsel as well as learned counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondent No.3, have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that the injuries have been caused with a baseball bat which was simple in nature.

Learned State counsel has conceded that the injuries were declared simple to life.

To the mind of this court, offence under Section 307 IPC is not made out.

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 and FIR No.79 dated 01.08.2017, registered under Sections 307, 452, 323, 506, 427, 148, 149 IPC at Police Station SBS Nagar, District Police Commissionerate and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 11, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE