

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

CRM-M No.36330 of 2016

Date of Decision: 08.03.2018

Vijay Pal and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Akash Deep Sethi, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Priyanshu, Advocate for
Mr. Karan Grover, Advocate
For respondent Nos.2 to 4.

Raj Shekhar Attri, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of Callandera-cum-DDR No.11 dated 30.10.2015 for offence punishable under Section 70(4) of the Northern Indian Canal & Drainage Act, 1873, registered at Police Station Bhavwala, District Fazilika and complaint dated 08.08.2014 before Deputy Collector, Abohar Circle, Abohar (Annexures P-1 and P-2) and proceedings emanating therefrom

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on the basis of compromise (Annexures P-3) arrived at between the parties.

In the present case, the Callandera-cum-DDR was registered on the basis of letter received from Deputy Collector, Abohar Canal Division, Abohar as well as complaint dated 08.08.2014 submitted to the Deputy Collector, Abohar Circle, Abohar (Annexures P-1 and P-2) Now, dispute between the parties has been resolved by way of compromise Annexures P-3.

Vide order dated 24.03.2017, the parties were directed to appear before the trial Court/Illaqa 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, Abohar, wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntarily and out of free will.

Counsel for the State and respondent Nos.2 to 4 have not disputed that the parties i.e. petitioners, respondent Nos.2 to 4 (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

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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, Callandera-cum-DDR No.11 dated 30.10.2015 for offence punishable under Section 70(4) of the Northern Indian Canal & Drainage Act, 1873, registered at Police Station Bhavwala, District Fazilika and complaint dated 08.08.2014 before Deputy Collector, Abohar Circle, Abohar and proceedings emanating therefrom stand quashed qua the petitioners.

[RAJ SHEKHAR ATTRI]
JUDGE

March 08, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No