

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

CRM-M-3711-2018 (O&M)

Date of decision: 13.8.2018

Gurpreet Singh @ Johney and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sarju Puri, Advocate,
for the petitioners.

Mr. M.S.Naryal, DAG, Punjab.

Mr.J.S.Banwait, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Code of Criminal Procedure (in short, "Cr.P.C."), the petitioner has prayed for quashing of FIR No. 118 dated 1.10.2017 for offence punishable under Sections 323, 341, 427, 148, 149 and Section 307 (added later on) of the Indian Penal Code (in short, "IPC") registered at Police Station Sadar, District Shaheed Bhagat Singh Nagar 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 Mangat Rai son of Dalip Chand. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 21.3.2018, 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 Judicial Magistrate, 1st Class, Shaheed Bhagat Singh Nagar wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondents No. 2 and 3 have not disputed that the parties i.e. petitioner and respondents No.2 and 3 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.

Initially FIR was registered under Sections 323, 341, 427, 148, 149 IPC but later on offence under Section 307 IPC was added. It has been argued by the counsel for the petitioner that no offence under Section 307 IPC is made out.

After going through the record, this Court is of the opinion that this argument has substance.

For the foregoing reasons, the petition is allowed, FIR No. 118 dated 1.10.2017 under Sections 323, 341, 427, 148, 149 IPC and 307 IPC added later on registered at Police Station Sadar, District Shaheed Bhagat Singh Nagar and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

August 13, 2018
Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No