

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.37946 of 2018 (O&M)

Date of Decision: 23.10.2018.

Pawan Kumar @ Lav

...Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Satvir Singh, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.36 dated 09.03.2017 for the offences punishable under Section 379 of the Indian Penal Code (for short 'IPC'), registered at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise dated 09.08.2018 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Sanjiv Bansal son of Sh. Lekh Raj Bansal. Now, dispute between the parties has been resolved.

Vide order dated 31.08.2018, the parties were directed to appear before the 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, Batala, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine, voluntary, without any pressure or coercion.

Counsel for the State as well as counsel for respondent Nos.2 have not disputed that the parties i.e. petitioner and respondent No.2 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 and FIR No.36 dated 09.03.2017 for the offences punishable under Section 379 IPC, registered at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-I) and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioner.

23.10.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No