

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

CRM-M-38209-2018

Date of decision: 29.10.2018

Kulwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Surinder Garg, Advocate
for the petitioners.

Mr. Amandeep S. Gill, Senior DAG, Punjab.

Mr. Surinder Gaur, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.78 dated 16.07.2015, registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code (for short 'IPC') at Police Station Gidderbaha, District Sri Muktsar Sahib, Punjab and subsequent proceedings arising on the basis of compromise dated 30.07.2018 (Annexure P-3).

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

Vide order dated 04.09.2018, the parties were directed to appear before the learned trial court/illqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Sub Divisional Judicial Magistrate, Gidderbaha Sahib wherein it has been reported that statements of the parties have been recorded and compromise

entered between the parties is voluntarily, without any pressure, with their free will and same is genuine.

Learned counsel for the State as well as learned counsel for respondent 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 and FIR No.78 dated 16.07.2015, registered under Sections 323, 341, 506, 148, 149 IPC at Police Station Gidderbaha, District Sri Muktsar Sahib, Punjab and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

October 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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