

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

CRM-M No.38051 of 2017
Date of Decision: 08.03.2018

Varinder Pal Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Pavleen Kaur, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Pardeep Bajaj, Advocate
for respondent Nos.2 to 7.

Raj Shekhar Atttri, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of cross versions recorded vide DDR No.37 dated 21.06.2014 and DDR No.10 dated 24.06.2014 under Sections 323, 325, 34 of the Indian Penal Code (for short 'IPC') (offence under Section 379 IPC was added later on) and proceedings under Section 173 Cr.P.C in case bearing FIR No. 107 dated 24.06.2014 registered under Sections 324, 323, 148, 149, 354 IPC (at the time of filing proceedings under Section 173 Cr.P.C. offence under Section 354 IPC was deleted and the offence under Section 341 IPC was added) at Police Station Machhiwara, Police District Khanna, District Ludhiana and proceedings emanating therefrom

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on the basis of compromise (Annexures P-4) arrived at between the parties.

Learned counsel for the petitioners submits that in the cross version case bearing F.I.R. No.107 dated 24.06.2014 under Sections 324, 323, 148, 149, 354 of IPC (at the time of filing challan, the offence under Section 354 IPC deleted and Section 341 IPC added), registered at Police Station Machhiwara, Police District Khanna, District Ludhiana has already been quashed by this Court vide order dated 15.12.2017 passed in CRM-M No.37423 of 2017.

Learned counsel for the petitioners further submits that in the present case, the cross-versions were recorded on the statement of respondent No.2/Gurbachan Singh son of Hushnak Singh @ Khush Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-4.

Vide orders dated 11.10.2017 and 05.12.2017, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Samrala 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 7 have not disputed that the parties i.e. petitioners, respondent Nos.2 to 7 (complainant party) have arrived at a settlement with an intent to give burial to their differences.

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Perusal of allegations in the DDRs 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, DDR No.37 dated 21.06.2014 and DDR No.10 dated 24.06.2014 under Sections 323, 325, 34 of the Indian Penal Code (for short 'IPC') (offence under Section 379 IPC was added later on) and proceedings under Section 173 Cr.P.C in case bearing FIR No. 107 dated 24.06.2014 registered under Sections 324, 323, 148, 149, 354 IPC (at the time of filing proceedings under Section 173 Cr.P.C. offence under Section 354 IPC was deleted and the offence under Section 341 IPC was added) at Police Station Machhiwara, Police District Khanna, District Ludhiana 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