

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

CRM-M-39020-2018

Date of decision: 15.12.2018

Ajaypal Singh and others

...Petitioner(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Mandeep Kaur, Advocate, for
Mr. B.B.S.Randhawa, Advocate,
for the petitioner(s).

Mr. C.L.pawar, Sr. DAG, Punjab

Mr. Anoop Singla, Advocate,
for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner(s) has prayed for quashing of FIR No. 40 dated 18.9.2017 for offences punishable under Sections 307, 34, 379-B of the Indian Penal Code and Sections 5 and 27 of Arms Act registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur 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 Jatinder Singh son of late Buta Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 7.9.2018, 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, Batala wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that the injury was on non vital parts of the body. This Court is of the view that Section 307 IPC is not made out.

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, FIR No. 40 dated 18.9.2017 under Sections 307, 34, 379-B IPC and Sections 5 and 27 Arms Act registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur and proceedings emanating therefrom stand quashed qua the petitioner(s).

December 15, 2018

Paritosh Kumar

Whether speaking/reasoned :

Whether reportable :

(RAJ SHEKHAR ATTRI)

JUDGE

yes/no

yes/no