

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.39777 of 2016 (O&M)

Date of Decision: 01.05.2018.

Shavi Verma

..Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Chhavi Sharma, Advocate for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

Mr. L.S. Mann, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of Complaint No.159 dated 19.03.2013 pending in the Court of Sub Divisional Judicial Magistrate, Bilaspur, under Section 138 of Negotiable Instruments Act and proceedings emanating therefrom including order dated 06.06.2016 (Annexure P-4) declaring petitioner as proclaimed person on the basis of compromise dated 10.10.2016 (Annexures P-5) arrived at between the parties.

In the present case, the complaint was lodged by Manmohan Singh. Now, dispute between the parties has been resolved by way of compromise dated 10.10.2016 (Annexures P-5).

Vide order dated 16.03.2018, 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 Judicial Magistrate Ist Class, Sub Division, Bilaspur, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and valid one which has ex-facie has been entered into by the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent No.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. Complaint No.159 dated 19.03.2013 pending in the Court of Sub Divisional Judicial Magistrate, Bilaspur, under Section 138 of Negotiable Instruments Act and proceedings emanating therefrom including order dated 06.06.2016 declaring petitioner as proclaimed person stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

01.05.2018
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whether speaking/reasoned
whether reportable

Yes/No
Yes/No