

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

273(1)

CRM-M-39181 of 2017

Date of Decision: 30.01.2018.

Balbir Singh and ors.

...Petitioners

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Sajida Akhtar, Advocate for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Liaqat Ali, Advocate for respondent No. 2 .

RAJ SHEKHAR ATTRI, J. (ORAL)

By invoking Section 482 Cr.P.C., petitioners have prayed for quashing of D.D.R No. 13 dated 28.07.2011 under Sections 341, 323, 324 148 & 149 of India Penal Code and offence under Sections 379 & 326 of Indian Penal Code reduced lateron in FIR No. 51 dated 27.07.2011 under Sections 341, 323, 506, 379, 148 & 149 IPC and offences punishable under Sections 325 & 326 (added later on) of Indian Penal Code registered at Police Station Nurmahal, District Jalandhar, Punjab (Annexure P-1, colly) and proceedings emanating therefrom on the basis of compromise(Annexure P-2) arrived at between the parties.

In the present case, DDR in the FIR was registered on the statement of Gulwant Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 25.10.2017, 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, 1st Class, Phillaur wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter. As such the compromise is genuine, voluntary and without any coercion or undue influence.

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

Perusal of allegations in DDR 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 vs. State of Punjab and another' 2012 (4) R.C. R. (Criminal) 543 and in the light of facts and circumstances discussed hereinabove, 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, D.D.R No. 13 dated 28.07.2011 under Sections 341, 323, 324, 148 & 149 of India Penal Code and offence under Sections 379 & 326 of Indian Penal Code reduced lateron in FIR No. 51 dated 27.07.2011 under Sections 341, 323, 506, 379, 148 & 149 and Sections 325 & 326 (added later on) of Indian Penal Code registered at Police Station Nurmahal, District Jalandhar, Punjab (Annexure P-1, colly) and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

January 30, 2018

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