

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

**CRM-M-41265-2016 (O&M)
Date of decision: 13.12.2018**

Birbal Singh and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. C.L Pawar, Advocate
for the petitioners.

Ms. Ambika Sood, DAG, Punjab.

Mr. Sanjiv K. Virk, Advocate
for respondents No.2 to 4.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.38 dated 29.05.2011, registered under Sections 323, 341, 506, 148, 149 of the Indian Penal Code (for short 'IPC') at Police Station Khilchian, District Amritsar and subsequent proceedings arising therefrom on the basis of compromise.

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

Vide orders dated 18.11.2016, 17.03.2017, 24.07.2018 and 10.10.2018, the parties were directed to appear before the learned trial court/Illaq 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, Baba Bakala Sahib, District Amritsar wherein it

has been reported that statements of the parties have been recorded and

compromise entered between the parties is genuine, voluntarily, out of their free will and without any pressure or coercion.

Learned State counsel as well as learned counsel for respondents No.2 to 4 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondents No.3 and 4, 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.38 dated 29.05.2011, registered under Sections 323, 341, 506, 148, 149 IPC at Police Station Khilchian, District Amritsar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 13, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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