

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-40773 of 2017 (O&M)
Date of decision : 19.04.2018

Abhay Jain

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Shoaib Khan, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Arnav K.Sood, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.87 dated 27.05.2017, registered under Sections 307, 323, 452, 506 IPC at Police Station Kalka, District Panchkula and proceedings emanating therefrom on the basis of compromise (Annexures P-2) arrived at between the parties.

Reply by way of affidavit of Om Parkash, HPS, Assistant Commissioner of Police, Kalka, Panchkula has been filed. Same is taken on record. Copy has been supplied.

As per the said reply, offence under Section 307 IPC has been deleted.

In the present case, the FIR was registered on the statement of Shashi Bhushan Sharma son of Sh. Radhey Shyam Sharma. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 06.12.2017, 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, Kalka wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

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.

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.87 dated 27.05.2017, registered under Sections 323, 452, 506 IPC (Section 307 IPC has already been deleted) at Police Station Kalka, District Panchkula and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

19.04.2018
mamta-M

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No