

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

CRM-M No.41650 of 2016
Date of decision: 27.03.2018

Kashmir Kaur and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

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

Ms. Nimarta Kaur, Advocate for
Mr. Vishal Munjal, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of Complaint No.15/12 dated 12.05.2012, under Sections 452, 323, 148, 149, 506 of the Indian Penal Code (for short 'IPC') before the Sub Division Judicial Magistrate, Mukerian, Hoshiarpur, as well as summoning order under Sections 452, 323, 506 read with Section 149 IPC and all other consequential proceedings arising out of the same complaint, on the basis of compromise (Annexure P-3).

In the present case, the FIR was registered on the statement of Gurbachan Kaur wife of Ajit Singh. Now, dispute between the parties has been resolved.

Vide order dated 23.11.2016, the parties were directed to appear before the illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub

Mukerian wherein it has been reported that one of co-accused namely, Gurvinder Singh has been declared proclaimed offender. However, statements of the remaining parties recorded and compromise entered between the parties with the intervention of the respectables which is genuine, voluntary and without any coercion or undue influence..

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioners, 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, Complaint No.15/12 dated 12.05.2012, under Sections 452, 323, 148, 149, 506 of the Indian Penal Code (for short 'IPC') before the Sub Division Judicial Magistrate, Mukerian, Hoshiarpur, as well as summoning order under Sections 452, 323, 506 read with Section 149 IPC and proceedings emanating therefrom stand quashed qua the petitioners.

March 27, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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