

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.41208 of 2017 (O&M)

Date of Decision: 31.08.2018.

Gurjit Singh @ Geeto and others

...Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S. Thind, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Jaideep Kaur, Advocate
for respondent Nos.2 to 5.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.68 dated 08.06.2017 for the offences punishable under Sections 307, 336, 506, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 25 & 27 of Arms Act and Section 3 of SC ST Prevention of Atrocities, registered at Police Station Raja Sansi, District Amritsar (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise dated 26.10.2017 (Annexure P-2) as well as affidavit dated 30.10.2017 (Annexure P-3) arrived at between the parties.

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

Vide order dated 02.11.2017, 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, Ajnala, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine, voluntary, without any threat, coercion or undue influence.

Counsel for the State as well as counsel for respondent Nos.2 to 5 have not disputed that the parties i.e. petitioners and respondent Nos.2 to 5, have arrived at a settlement with an intent to give burial to their differences.

No injury received by any of the person, therefore, offence as alleged under Section 307 IPC is not made out against the present petitioners.

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.68 dated 08.06.2017 for the offences punishable under Sections 307, 336, 506,

148, 149 IPC and Sections 25 & 27 of Arms Act and Section 3 of SC ST Prevention of Atrocities, registered at Police Station Raja Sansi, District Amritsar (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioners.

31.08.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

whether speaking/reasoned
whether reportable

Yes/No
Yes/No