

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-41432 of 2017 (O&M)
Date of decision : 16.07.2018

Sukha Singh alias Vicky and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: None for the petitioners and respondent Nos.2 and 3.

Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.24 dated 08.02.2016, registered under Sections 353, 186, 332, 506, 427, 148, 149, 341 IPC at Police Station Rajpura City, District Patiala and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

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

Vide orders dated 07.02.2018 and 26.04.2018, 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, Rajpura wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Learned State counsel has submitted that the compromise has been effected between the parties. Even the report of the learned Judicial Magistrate Ist Class, Rajpura has been received. Learned State counsel has not disputed that the parties i.e. petitioners and respondent Nos.2 and 3 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.24 dated 08.02.2016, registered under Sections 353, 186, 332, 506, 427, 148, 149, 341 IPC at Police Station Rajpura City, District Patiala and proceedings emanating therefrom stand quashed qua the petitioners.

16.07.2018

mamta-M

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No