

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

CRM-M-42522-2016

Date of decision: 12.11.2018

Suraj and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Yashasvi Kapila, Advocate for
Mr. Shrey Goel, Advocate
for the petitioners.

Mr. A.S. Gill, Senior DAG, Punjab.

Ms. Shreya Vasishtha, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.236 dated 08.10.2016, registered under Sections 324, 307, 148, 149, 506 of the Indian Penal Code (for short 'IPC') at Police Station Shimilapuri, District Ludhiana and subsequent proceedings arising therefrom on the basis of compromise dated 28.10.2016 (Annexure P-2).

In the present case, the FIR was registered on the statement of Varinder Kumar son of Chander Pal. Now, dispute between the parties has been resolved.

Vide order dated 24.07.2018, the parties were directed to appear before the learned trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Ludhiana wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is valid, voluntarily and genuine.

Learned counsel for the State as well as learned counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondent No.3, have arrived at a settlement with an intent to give burial to their differences.

Learned State counsel submitted that there is no injury on the part of the injured which can be declared as dangerous to life. However, learned counsel for the petitioners submitted that complainant not x-rayed as per the opinion of the Surgeon.

In view of the above, no case is made out for offence under Section 307 IPC.

Learned counsel for the petitioners has placed reliance upon the judgment laid down in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another*, 2012(12)SCC 401.

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.236 dated 08.10.2016, registered under Sections 324, 307, 148, 149, 506 IPC at Police Station Shimilapuri, District Ludhiana and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

November 12, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE