

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.42762 of 2017 (O&M)
Date of Decision: 21.05.2018.

Paramjit Singh and others

..Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. P.S. Sekhon, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. R.S. Gill, Advocate
for respondent Nos.2 and 3.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.13 dated 01.02.2012 for offence punishable under Sections 452, 323, 148, 149 of the Indian Penal Code (for short 'IPC') and Section 307 and 325 IPC added later on, registered at Police Station City Samana, District Patiala (Annexure P-1) and proceedings emanating therefrom on the basis of compromise dated 20.09.2017 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Gurmeet Singh. Now, dispute between the parties has been resolved by way of compromise dated 20.09.2017 (Annexure P-2).

Vide order dated 01.02.2018, 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 Additional District and Sessions Judge, Patiala, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine and valid one which has ex-facie been entered into between the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent Nos.2 and 3 have 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.

In this case FIR No.13 dated 01.02.2012 was initially registered for the offence punishable under Sections 452, 323, 506, 148, 149 IPC. However, subsequently offence punishable under Sections 325 and 307 IPC were added later on. The learned counsel for the petitioners submitted that the injuries are simple in nature and are on the non-vital parts of the body and in no manner dangerous to life. Learned counsel for respondent Nos.2 and 3 does not dispute this fact. As such, to the mind of this Court the offence under Section 307 IPC is not made out in this case as the injuries received by the injured are on non-vital parts of the body and not dangerous to life.

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.13 dated 01.02.2012 for offence punishable under Sections 452, 323, 148, 149 of the Indian Penal Code (for short 'IPC') and Section 307 and 325 IPC added later on, registered at Police Station City Samana, District Patiala (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

21.05.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No