IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.43055 of 2017
Date of Decision: 18.04.2018

Gurpreet Singh and others

. . . Petitioners

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sandeep Chopra, Advocate for the petitioners.

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

Mr. Tapish Gupta, Advocate for respondent Nos.2 and 3.

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Raj Shekhar Attri, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.59 dated 11.04.2017 for offence punishable under Sections 307, 382, 325, 323, 452, 427, 148 and 149 of the Indian Penal Code (for short 'IPC') registered at Police Station Kotwali, Patiala, District Patiala and proceedings emanating therefrom on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Rajesh Gupta son of Varnder Lal Gupta. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 06.02.2018, the parties were directed to appear before the illaqa magistrate/trial court to get their statements recorded with regard to genuineness of compromise.

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Pursuant thereto, a report has been submitted by the Chief Judicial Magistrate, Patiala wherein it has been reported that statements of the parties recorded and compromise entered between the parties is genuine, voluntarily and out of free will.

Counsel for the State and respondent Nos.2 and 3 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant/injured) and respondent No.3 (injured) 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.59 dated 11.04.2017 for offence punishable under Sections 307, 382, 325, 323, 452, 427, 148 and 149 of the Indian Penal Code (for short 'IPC') registered at Police Station Kotwali, Patiala, District Patiala and proceedings emanating therefrom stand quashed qua the petitioners.

[RAJ SHEKHAR ATTRI]
JUDGE

April 18, 2018
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No

Sachin Sharma
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