

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

CRM-M-4328-2017

Date of decision: 23.10.2018

Gianender @ Gianu and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jangvir Singh Hooda, Advocate
for the petitioners.

Mr. Parveen Aggarwal, DAG, Haryana.

Mr. Naveen Atarya, Advocate
for respondent No.3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.757 dated 29.12.2016, under Sections 148, 149, 285, 323, 506 of the Indian Penal Code (for short 'IPC') read with Section 24 of Arms Act, registered at Police Station City Hodal, District Palwal and subsequent proceedings arising on the basis of compromise (Annexure P-2).

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

Vide order dated 09.02.2017, the parties were directed to appear before the learned illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Sub Divisional Judicial Magistrate, Hodal wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is voluntarily and without any pressure or coercion.

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

It is the case of the prosecution that the petitioners fired shot in the area but nobody was injured, therefore, Section 24 of Arms Act is not made out.

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.757 dated 29.12.2016, under Sections 148, 149, 285, 323, 506 IPC read with Section 24 of Arms Act, registered at Police Station City Hodal, District Palwal and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

October 23, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no