

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No.M-43721 of 2017 (O&M)
Date of decision : 31.07.2018

Ravi alias Mintu and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Manoj Kumar Sood, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Abhinav Sood, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.410 dated 22.11.2016, registered under Sections 323, 325, 307, 148, 149, 506, 120-B, 216 IPC and Section 25 of the Arms Act, at Police Station NIT, Faridabad and proceedings emanating therefrom on the basis of affidavits with regard to compromise and affidavit (Annexures P-2 and P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Kirpa Ram son of Sh. Attar Singh. Now, dispute between the parties has been resolved by way of compromise and affidavit Annexures P-2 and P-3.

Vide order dated 11.05.2018, the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Addl.

District & Sessions Judge, Faridabad wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion in any manner.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioners and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Perusal of the FIR shows that one Mintu fired gun shot injury from the pistol and the bullet did not hit anybody. There is no injury with firearm and the remaining injuries are simple in nature.

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.410 dated 22.11.2016, registered under Sections 323, 325, 307, 148, 149, 506, 120-B, 216 IPC and Section 25 of the Arms Act, at Police Station NIT, Faridabad and proceedings emanating therefrom stand quashed qua the petitioners.

**(RAJ SHEKHAR ATTRI)
JUDGE**

31.07.2018
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No