

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.4516 of 2018 (O&M)

Date of Decision: 06.07.2018.

Avtar Singh @ Jagtar Singh and others

..Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. A.K. Walia, Advocate for the petitioners.

Mr. M.S. Naryal, DAG, Punjab.

Mr. Harpal Preet Singh Chopra, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

CRM No.22302 of 2018

This is an application for amendment of the main petition due to addition of offence under Section 459 IPC and for taking on record the amended main case petition.

For the reasons stated in the application, the same is allowed and amended main case petition is taken on record.

CRM M No.4516 of 2018

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.95 dated 21.10.2017 for offence punishable under Sections 458/324/34 and Section 459 (added later on) of the Indian Penal Code (for short 'IPC'), registered at Police Station Cheema, District Sangrur, Punjab, (Annexure P-1) and proceedings emanating therefrom on

the basis of compromise dated 25.01.2018 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Satwinder Singh. Now, dispute between the parties has been resolved by way of compromise dated 25.01.2018 (Annexure P-2).

Vide order dated 11.05.2018, 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 Sub-Divisional Judicial Magistrate, Sunam, 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 No.2 have not disputed that the parties i.e. petitioners and respondent No.2 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.95 dated 21.10.2017 for offence punishable under Sections 458/324/34 and Section 459 (added later on) IPC, registered at Police Station Cheema, District Sangrur, Punjab, (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

06.07.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

<i>whether speaking/reasoned</i>	<i>Yes/No</i>
<i>whether reportable</i>	<i>Yes/No</i>