

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

CRM-M No.5260 of 2016 (O&M)
Date of decision: 23.08.2018

Mahfooz Hassan Malik and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioners.

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

Mr. Naveen Sharma, Advocate
for respondents No.2 and 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.211 dated 21.06.2015 for the offences punishable under Sections 308, 323, 148, 149 of the Indian Penal Code (for short 'IPC') registered at Police Station Jodhewal, Ludhiana City and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) and affidavits (Annexures P-3 and P-4).

In the present case, the FIR was registered on the statement of Sameena @ Shamina wife of Maqsood Hassan. Now, dispute between the parties has been resolved.

Vide order dated 12.02.2016, the parties were directed to appear before the learned trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is

genuine, voluntary and without any coercion or undue influence.

Learned counsel for the State as well as learned counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondent No.3, 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.211 dated 21.06.2015 for the offences punishable under Sections 308, 323, 148, 149 IPC registered at Police Station Jodhewal, Ludhiana City and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

August 23, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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