

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

CRM-M-48055-2018 (O&M)

Date of decision: 18.12.2018

Salim and others

...Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Bhupender Ghangas, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Ajit Malik, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of criminal complaint No.40/17, 86/13 dated 09.10.2013 as well as the summoning orders dated 22.08.2014 passed by the learned Judicial Magistrate Ist Class, Samalkha in complaint No.40/17, 86/13 dated 09.10.2013, under Sections 323, 325, 452, 504, 506, 149 of the Indian Penal Code (for short 'IPC') filed by respondent No.2 being aggrieved from FIR No.86 dated 30.08.2013, under Sections 148, 149, 323, 452, 506 IPC registered at Police Station Bapoli, Panipat and subsequent proceedings arising therefrom on the basis of compromise dated 01.08.2018 (Annexure P-4).

In the present case, the complaint was executed on the statement of Men Pal @ Mem Pal son of Sh. Mange Ram. Now, dispute between the parties has been resolved.

Vide order dated 30.10.2018, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Samalkha wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, without any pressure or undue influence.

Learned counsel for the State as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant), have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the complaint 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 criminal complaint No.40/17, 86/13 dated 09.10.2013 as well as the summoning orders dated 22.08.2014 passed by the learned Judicial Magistrate Ist Class, Samalkha in complaint No.40/17, 86/13 dated 09.10.2013, under Sections 323, 325, 452, 504, 506, 149 IPC filed by respondent No.2 being aggrieved from FIR No.86 dated 30.08.2013, under Sections 148, 149, 323, 452, 506 IPC registered at Police Station Bapoli, Panipat and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 18, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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