

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

CRM-M-6128-2016

Date of decision: 01.11.2018

Deepak Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Narinder Lucky, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Ms. Simmy, Advocate for
Ms. Neha Bakshi, 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.99 dated 02.06.2014, registered under Sections 457, 380 of the Indian Penal Code (for short 'IPC') at Police Station Bawa Khel, District Jalandhar and subsequent proceedings arising therefrom on the basis of compromise dated 10.02.2016 (Annexure P-2).

In the present case, the FIR was registered on the statement of Jai Parkash son of Ram Aasre. Now, dispute between the parties has been resolved.

Vide orders dated 28.02.2018 and 01.08.2018, the parties were directed to appear before the learned trial court/illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

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

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.

At this stage, learned counsel for the petitioners submits that respondent No.4-Vishva Nath is a proclaimed offender and his address and whereabouts are not known, therefore, he wants to give up him.

In this view of the matter, petition qua respondent No.4-Vishva Nath stands withdrawn.

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.99 dated 02.06.2014, registered under Sections 457, 380 of the Indian Penal Code (for short 'IPC') at Police Station Bawa Khel, District Jalandhar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners namely, Deepak Kumar, Ajay Kumar and Manohar Lal.

November 01, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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