

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.47450 of 2017 (O&M)

Date of Decision: 25.04.2018.

Parveen Kumar Pal @ Gobbi

..Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: None for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Vipin Kumar Sharma, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioner have prayed for quashing of FIR No.64 dated 29.02.2016 for offence punishable under Sections 452, 323, 324, 506, 148, 149, of the Indian Penal Code registered at Police Station Focal Point, District Ludhiana and proceedings emanating therefrom on the basis of affidavit with regard to compromise dated 30.11.2017 (Annexure P-3) arrived at between the parties.

In the present case, the FIR was registered on the statements of Sh. Rakesh Kumar s/o Sh. Malkiat Singh. Now, dispute between the parties has been resolved by way of compromise dated 30.11.2017 (Annexure P-3).

Vide orders dated 13.12.2017 and 19.01.2018, 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 learned

Judicial Magistrate Ist Class, Ludhiana, 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 has been entered into by the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioner and respondents No.2 and 3 (complainant) 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.64 dated 29.02.2016 for offence punishable under Sections 452, 323, 324, 506, 148, 149, of the Indian Penal Code registered at Police Station Focal Point, District Ludhiana and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

April 25, 2018
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whether speaking/reasoned
whether reportable

Yes/No
Yes/No