

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

CRM-M No.4751 of 2017

Date of Decision: 20.03.2018

Pritpal Kaur and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. H.P.S. Rakhra, Advocate
for the petitioners.

Mr. B.B. Menon, AAG, Punjab.

Mr. Yashpal Markan, Advocate
for respondent No.2.

Raj Shekhar Atttri, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.161 dated 03.10.2015 for offence punishable under Sections 406, 420, 120-B of the Indian Penal Code (for short 'IPC') registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and proceedings emanating therefrom on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Munish Kumar son of Harbans Lal. Now, dispute between the parties except petitioner No.4-Gurpreet Singh, who is stated to be missing, has been resolved by way of compromise Annexure P-2.

CRM-M No.4751 of 2017

Vide order dated 04.12.2017, the parties were directed to appear before the illaqa magistrate/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, Fatehgarh Sahib, wherein it has been reported that statements of the parties recorded and compromise entered between the parties is genuine, voluntarily and out of free will. However, non-bailable warrants of accused Gurpreet Singh-petitioner No.4 have already been issued, but the same have not been received back.

At this stage, learned counsel for the petitioners prays that the petition qua petitioner Nos.1 to 3 and 5 may be quashed.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioner, respondent No.2 (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.

CRM-M No.4751 of 2017

For the foregoing reasons, the petition is allowed, FIR No.161 dated 03.10.2015 for offence punishable under Sections 406, 420, 120-B of the Indian Penal Code (for short 'IPC') registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and proceedings emanating therefrom stand quashed qua the petitioners Paritpal Kaur, Amandeep Kaur, Balwinder Kaur and Ranjit Kaur.

[RAJ SHEKHAR ATTRI]
JUDGE

March 20, 2018
sachin

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No