

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

CRM-M No.48614 of 2017
Date of decision: 07.03.2018

Sawinder Singh @ Lakhwinder Singh @ Tony ...Petitioner

VERSUS

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S. Thind, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Ramandeep Kaur, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.178 dated 26.04.2009 for offence punishable under Sections 379, 34 of the Indian Penal Code (for short 'IPC') registered at Police Station Sadar Amritsar, District Amritsar City 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 Gurnam Singh son of Khajan Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 20.12.2017, 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 Additional
Chief Judicial Magistrate, Amritsar 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.

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.

For the foregoing reasons, the petition is allowed, FIR No.178 dated 26.04.2009 for offence punishable under Sections 379, 34 of the Indian Penal Code (for short 'IPC') registered at Police Station Sadar Amritsar, District Amritsar City and proceedings emanating therefrom stand quashed qua the petitioner.

March 07, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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