

CRM-M-48745 of 2017

Date of Decision: 01.03.2018.

JATINDER SINGH @ JYOTI AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (ORAL)

By invoking Section 482 Cr.P.C., petitioners have prayed for quashing of FIR No 42 dated 24.06.2017 under Sections 326/323/324/34 of India Penal Code registered in Police Station Ghumman Kalan, District Gurdaspur (Annexure P-1) and proceedings emanating therefrom on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Gurpartap Singh son of Mohinder Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 20.12.2017, 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 Judicial Magistrate 1st Class, Gurdaspur wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter. As such the compromise is genuine, voluntary and without any coercion or undue influence.

Counsel for the State and respondent Nos.2 have not disputed that parties i.e. petitioners and 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 vs. State of Punjab and another' 2012 (4) R.C. R. (Criminal) 543 and in the light of facts and circumstances discussed hereinabove, 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 42 dated 24.06.2017 under Sections 326/323/324/34 of India Penal Code registered in Police Station Ghumman Kalan, District Gurdaspur (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

January 23, 2018

Jyoti-IV