

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

CRM-M No.826 of 2016 (O&M)

Date of decision: 08.03.2018

Gagan Chadha and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Akashdeep Singh, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Jagjit Singh Chatrath, Advocate
for respondents No.2 to 5.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.6 dated 03.01.2013 for offence punishable under Sections 420 and 406 of the Indian Penal Code (for short 'IPC') and Section 24 of Immigration Act, registered at Police Station Fattudhinga, District Kapurthala and proceedings emanating therefrom on the basis of compromise (Annexures P-2) arrived at between the parties.

In compliance of order dated 15.01.2018, learned counsel for the petitioners has placed on record affidavit of Kulwant Singh which transpires that Kulwant Singh is the special power of attorney of his son Didar Singh, who has gone abroad, the photocopy of power of attorney is annexed as Annexure P-6. Said power of attorney has never been revoked. Statement of the parties with regard to compromise have already been recorded which are already taken on record.

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.6 dated 03.01.2013 for offence punishable under Sections 420 and 406 of the Indian Penal Code (for short 'IPC') and Section 24 of Immigration Act, registered at Police Station Fattudhinga, District Kapurthala and proceedings emanating therefrom stand quashed qua the petitioners.

March 08, 2018

m. sharma

**(RAJ SHEKHAR ATTRI)
JUDGE**

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