

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.49917-2017 (O&M)
Date of Decision: 01.05.2018.

1.

Vicky @ Lala and others

..Petitioners

Versus

State of Haryana and others

... Respondents

2.

CRM-M-49946-2017

Surender Malhotra and others

..Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rahul Bhargava, Advocate and
Mr. Rahul Garg, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Ruhani Chadha, Advocate
for respondent Nos.2 to 4.

RAJ SHEKHAR ATTRI J. (ORAL)

By way of this common order, the above noted two petitions,
which arises from common FIR will be disposed of.

By invoking Section 482 Cr.P.C., the petitioners have prayed
for quashing of FIR No.191 dated 30.09.2017 for offence punishable under
Sections 148/149/323/307 (deleted) Sections 325 and 506 of the Indian
Penal Code, 1860 and Section 25 of Arms Act, 1959 (deleted), registered at
Police Station Sadar Ambala Haryana (Annexure P-1) and proceedings

emanating therefrom on the basis of compromise dated 15.12.2017 (Annexure P-2) arrived at between the parties.

Learned State counsel has stated that after verification by Investigating Officer, Section 307 IPC has been deleted.

In the present case, the FIR was registered on the statement of Labh Chand. Now, dispute between the parties has been resolved by way of compromise dated 15.12.2017 (Annexure P-2).

Vide order dated 20.02.2018, 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 Judicial Magistrate Ist Class, Ambala, 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 been entered into between the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent Nos.2 to 4 have not disputed that the parties i.e. petitioners and respondent Nos.2 to 4 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 petitions are allowed. FIR No.191 dated 30.09.2017 for offence punishable under Sections 148/149/323/307 (deleted) sections 325 and 506 of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 (deleted), registered at Police Station Sadar Ambala Haryana (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

01.05.2018
rekha

(RAJ SHEKHAR ATTRI)
JUDGE

whether speaking/reasoned
whether reportable

Yes/No
Yes/No