

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

CRM-M-5247-2017

Date of decision: 17.10.2018

Kirat Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. Gursimran S. Jossan, Advocate
for respondent No.3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of criminal complaint No.78-1 of 2016 dated 10.08.2016 titled as Nachattar Singh Vs. Kirat Singh and others under Sections 192, 196, 198, 201, 218, 219, 420, 452, 467, 468, 471 and 506 of the Indian Penal Code (for short 'IPC') and summoning order dated 09.12.2016 passed by the Sub Divisional Judicial Magistrate, Dabwali and subsequent proceedings arising therefrom.

In the present case, the complaint was instituted on the statement of Nachattar Singh son of Nihal Singh. Now, dispute between the parties has been resolved.

It has been submitted that the complainant has suffered a statement before the learned Sub Divisional Judicial Magistrate, Dabawli to withdraw the complaint and the trial court was directed to proceed further as per the compromise and submit the report. However, on behalf of the Punjab School Education Board, it has been submitted that the compromise is legal and valid.

A report has been submitted by the learned Sub Divisional Judicial Magistrate, Dabwali wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine and without any undue pressure.

Learned counsel for the State as well as learned counsel for respondent No.3 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 complaint 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 and criminal complaint No.78-1 of 2016 dated 10.08.2016 titled as Nachattar Singh Vs. Kirat Singh and others under Sections 192, 196, 198, 201, 218, 219, 420, 452, 467, 468, 471 and 506 IPC and summoning order dated 09.12.2016 passed by the Sub Divisional Judicial Magistrate, Dabwali and subsequent proceedings arising therefrom stands quashed qua the petitioner.

October 17, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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