

CRM-M- 7243 of 2017

Date of Decision: 01.03.2018.

SUNIL KUMAR AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sukh Pal Singh, Advocate
for the petitioner(s).

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

None for respondent No.2.

RAJ SHEKHAR ATTRI, J. (ORAL)

By invoking Section 482 Cr.P.C., petitioners have prayed for quashing of FIR No 08 dated 29.01.2016 under Sections 387, 120-B, 420, 465, 467, 468, 471, 473, 379, 411 of India Penal Code registered in Police Station Daresi, District Ludhiana (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 Ram Pukar Shah. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 17.05.2017, 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, Ludhiana, 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.

However, it has been reported that co-accused Joginder Yadav absented from the proceedings and has been declared proclaimed offender by the Ld. trial Court.

Counsel for the State has not disputed that parties i.e. petitioner 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 08 dated 29.01.2016 under Sections 387, 120-B, 420, 465, 467, 468, 471, 473, 379, 411 of India Penal Code registered in Police Station Daresi, District

Ludhiana (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

However, this order shall not effect the case of co-accused Joginder Yadav to whom proclaimed proceedings has already been initiated.

(RAJ SHEKHAR ATTRI)
JUDGE

March 01, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No