

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

Criminal Misc.No.M-5735-2018 (O&M)

Date of Decision : 21.12.2018

Kamaljit Singh alias Kamala and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Narinder S.Lucky, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.166 dated 28.10.2011, registered under Sections 323, 324, 325, 326, 148, 149 IPC, at Police Station Phillaur, District Jalandhar and proceedings emanating therefrom including order dated 31.08.2015, passed by the learned Sub Divisional Judicial Magistrate, Phillaur, on the basis of compromise (Annexure P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Hans Raj son of Late Sh.Lachmann Dass. Now, dispute between the parties has been resolved by way of compromise Annexure P-3.

Vide order dated 29.10.2018 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 Sub
Divisional Judicial Magistrate, Phillaur, District Jalandhar wherein it has

been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion.

Counsel for the State has not disputed that the 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 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.166 dated 28.10.2011, registered under Sections 323, 324, 325, 326, 148, 149 IPC, at Police Station Phillaur, District Jalandhar and proceedings emanating therefrom including order dated 31.08.2015, passed by the learned Sub Divisional Judicial Magistrate, Phillaur stand quashed qua the petitioners.

21.12.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No