

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M No.6982 of 2018 (O&M)

Date of Decision: 25.04.2018.

Jagdish Raj and others

..Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab.

Mr. A.S. Manaise, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of complaint No.COMI/89/2014 dated 25.01.2012 under Sections 341/326/324/323/148/149 Indian Penal Code pending in the Court of JMIC, Batala and proceedings emanating therefrom on the basis of compromise dated 08.02.2018 (Annexures P-4) arrived at between the parties.

Mr. A.S. Manaise, Advocate has put in appearance on behalf of respondent No.2 and concedes to the factum of the compromise between the parties.

In the present case, dispute between the parties has been resolved by way of compromise dated 08.02.2018 (Annexures P-4).

Vide order dated 19.02.2018, the parties were directed to appear before the Illaqa Magistrate/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, Batala, 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 has been entered into by the parties with their free volition, without any inducement or threat.

Counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the complaint case 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. Complaint No.COMI/89/2014 dated 25.01.2012 under Sections 341/326/324/323/148/149 Indian Penal Code and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

April 25, 2018
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whether speaking/reasoned
whether reportable

Yes/No
Yes/No