

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

CRM-M No.7005 of 2018 (O&M)

Date of decision: 30.07.2018

Harpreet Singh @ Happy and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Sarbjit Singh, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. G.S. Thind, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.474 dated 30.11.2016 for offence punishable under Sections 307, 323, 324, 148, 149, 379 of the Indian Penal Code (for short 'IPC') and Sections 25 and 27 of Arms Act (Sections 307, 379 IPC and Sections 25, 27 Arms Act have been deleted from the FIR), registered at Police Station Division-A, Amritsar City and subsequent proceedings arising therefrom on the basis of compromise and affidavits dated 29.04.2017 (Anneuxres P-3 to P-5).

In the present case, the FIR was registered on the statement of Kuljit Singh son of Jagdev Singh. Now, dispute between the parties has been resolved.

Vide order dated 26.03.2018, 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, Amritsar wherein it has been reported that statements of

the parties have been recorded and compromise entered between the parties is genuine, voluntary and without any threat or coercion.

Learned counsel for the State as well as counsel for respondents No.2 and 3 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant), respondent No.3 have arrived at a settlement with an intent to give burial to their differences.

Learned State counsel has filed status report by way of affidavit of Jaspreet Singh, PPS, Assistant Commissioner of Police, East, Amritsar, which is taken on record and submitted that offence under Sections 307, 379 IPC and Sections 25, 27 of Arms Act have already been deleted.

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.474 dated 30.11.2016 for offence punishable under Sections 307, 323, 324, 148, 149, 379 IPC and Sections 25 and 27 of Arms Act (Sections 307, 379 IPC and Sections 25, 27 Arms Act have been deleted from the FIR), registered at Police Station Division-A, Amritsar City and proceedings emanating therefrom stand quashed qua the petitioners.

July 30, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE