

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

CRM-M-8150-2018

Date of decision: 29.10.2018

Onkar Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amit Arora, Advocate
for the petitioners.

Mr. Amandeep S. Gill, Senior DAG, Punjab.

Mr. Parminder Singh, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of cross case registered vide Rapat No.39 dated 14.07.2016, under Sections 452, 427, 506, 148, 149 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act in case FIR No.95 dated 04.06.2016, registered under Sections 452, 336, 427, 506, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station Sadar Tarn Taran and subsequent proceedings arising on the basis of compromise (Annexure P-3).

In the present case, the rapat was registered on the statement of Baljit Kaur widow of Baldev Singh. Now, dispute between the parties has been resolved.

Vide order dated 26.02.2018, the parties were directed to appear before the learned illaqa magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Additional Chief Judicial Magistrate, Tarn Taran wherein it has been reported that statements of the parties have been recorded and compromise entered

between the parties is genuine, voluntarily and without any pressure or coercion.

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

A perusal of the report shows that though the assailants were carrying riffles, pistols, kirpan, daatar and daang, but none was injured in the incident. As such, no offence under Arms Act is made out in the present case.

Perusal of allegations in the rapar 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 cross case registered vide Rapar No.39 dated 14.07.2016, under Sections 452, 427, 506, 148, 149 IPC and Section 25 of Arms Act in case FIR No.95 dated 04.06.2016, registered under Sections 452, 336, 427, 506, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station Sadar Tarn Taran and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

October 29, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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