

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

CRM-M-8673 -2018 (O&M)

Date of decision: 4.9.2018

Joga Singh @ Gurbaz Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gagandeep Singh Sirphikhi, Advocate,
for the petitioners.
Mr. Vishal Sodhi, Advocate,
for respondents No.2 to 4.
Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 Code of Criminal Procedure (in short, "Cr.P.C."), the petitioners have prayed for quashing of FIR No. 27 dated 29.4.2017 for offence punishable under Sections 336, 427, 148, 149 of the Indian Penal Code (in short, "IPC") and Sections 25, 27 of Arms Act registered at Police Station Qila Lal Singh, Police District Batala, Gurdaspur and proceedings emanating therefrom and on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Gursewak Singh son of Balbir Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 6.3.2018, 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 Judicial

the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondents No. 2 to 4 have not disputed that the parties i.e. petitioner and respondents No.2 to 4 have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that although allegation against Dilbagh Singh is that he fired two shots from his 315 bore revolver but actually he did not fire and Nishan Singh fired shots in the air.

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. 27 dated 29.4.2017 under Sections 336, 427, 148, 149 IPC and Sections 25 and 27 of Arms Act registered at Police Station Qila Lal Singh, Police District Batala and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

September 4, 2018

Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No