

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9328-2019

Date of Decision:-08.05.2019.

Didar Singh @ Sh. Kaka Singh

.....Petitioner

Versus

Kamlesh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Madhur Goyal, Advocate for the petitioner.

Ms. Divya Bajaj, Advocate for the respondent.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of complaint No. CrI. no.96 dated 15.05.2013 under Sections 376, 511, 307, 452, 323, 324, 326, 382, 427, 148, 149, 506, 129-B and 34 of the Indian Penal Code (summoned only under Sections 354 and 506 IPC), registered at Police Station Division No.3, Ludhiana and proceedings emanating therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, the complaint was registered by Kamlesh wife of Sh. Darshan Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 28.02.2019, 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, Ludhiana wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter, without any coercion or pressure.

Counsel for the respondent has not disputed that the parties i.e. petitioner and respondent (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, complaint No. CrI. no.96 dated 15.05.2013 under Sections 376, 511, 307, 452, 323, 324, 326, 382, 427, 148, 149, 506, 129-B and 34 of the Indian Penal Code (summoned only under Sections 354 and 506 IPC), registered at Police Station Division No.3, Ludhiana and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

May 08, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.