

CRM-M-13473-2019

Ajinder Singh and others vs. State of Punjab and another

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioners.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Mr. Amandeep Singh Chahal, Advocate
for respondent No.2.

In compliance of order dated 25.03.2019, passed by this Court,
amended memo of parties has been filed. Same is taken on record.

Heard. Vide my separate order of even date, the instant
petition stands allowed.

23.05.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

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

**CRM M-13473-2019 (O&M)
Date of Decision : 23.05.2019**

Ajwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioners.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Mr. Amandeep Singh Chahal, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.26 dated 25.02.2018, registered under Sections 306, 511 IPC, at Police Station City Malout, District Sri Muktsar Sahib and proceedings emanating therefrom on the basis of compromise and affidavit of respondent No.2 (Annexures P-2 and P-3) arrived at between the parties.

In the present case, the FIR was registered on the statement of Gurcharan Singh son of Narayan Singh, resident of Ward No.21, Makkar Colony, Malout. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 25.03.2019, 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 Sub Divisional Judicial Magistrate, Malout wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioners and respondent No.2 (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, FIR No.26 dated 25.02.2018, registered under Sections 306, 511 IPC, at Police Station City Malout, District Sri Muktsar Sahib and proceedings emanating therefrom stand quashed qua the petitioners.

23.05.2019

mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No