

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 284

Criminal Miscellaneous No.M-13607 of 2019

Date of Decision: May 23, 2019

Baldev Singh @ Gora & another

..... PETITIONERS

VERSUS

State of Punjab & others

..... RESPONDENTS

...

CORAM: **HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

...

PRESENT: - Mr. Amit Arora, Advocate, for the petitioners.

Mr. Sukhbeer Singh, Deputy Advocate General,
Punjab.

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

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Raj Shekhar Attri, J (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.257 dated 13.11.2017 under Sections 363, 366 IPC registered at Police Station, City, Tarn Taran and proceedings emanating therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

In the present case, FIR was registered at the instance of respondent No.2 – Daljit Singh. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 26.03.2019, 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 Chief Judicial Magistrate, Tarn Taran, 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 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 vs. State of Punjab & another, 2012(4) RCR (Criminal) 543** and in the light of facts and circumstances discussed hereinabove, 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.257 dated 13.11.2017 under Sections 363, 366 IPC registered at

Police Station, City, Tarn Taran and proceedings emanating therefrom
stand quashed qua the petitioners.

May 23, 2019
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(Raj Shekhar Attri)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No