

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-20228-2019 (O&M)

Date of Decision : 22.07.2019

Amarjit Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Sandeep Kumar, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab

Mr. Rakesh Sharma, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of Complaint No.SC/89/2018 dated 16.04.2014 for offence punishable under Section 3 (x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 and under Sections 341, 342, 506, 354 of the Indian Penal Code as well as the summoning order dated 02.06.2017 passed by JMIC, Garhshankar along with all consequential proceedings emanating therefrom on the basis of compromise dated 05.02.2019 (Annexure P-3) arrived at between the parties.

In the present case, the complaint was registered on the statement of respondent No.2/complainant Amarjit Kaur. Now, dispute between the parties has been resolved by way of compromise dated 05.02.2019 (Annexure P-3).

Vide order dated 03.05.2019, 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 Additional District & Sessions Judge, Hoshiarpur, wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any threat, pressure or coercion.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioner 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, Complaint No.SC/89/2018 dated 16.04.2014 for offence punishable under Section 3 (x) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 and under Sections 341, 342, 506, 354 of IPC as well as the summoning order dated 02.06.2017 passed by JMIC, Garhshankar and all the proceedings emanating therefrom stand quashed qua the petitioners.

22.07.2019

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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No