

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-37592-2018
Date of Decision:-18.07.2019.

Rajinder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. B.K. Saini, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Salinder Kumar Saini, Advocate for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.58 dated 11.07.2018 under Sections 306 of the Indian Penal Code, registered at Police Station Bariwala, District Shri Muktsar Sahib and proceedings emanating therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

It has been contended that even a bare perusal of the FIR transpires that there was no instigation or abetment on the part of the petitioner, much less it is a *mens rea*.

In the present case, the FIR was registered on the statement of Simran Sharma, wife of Satwinder Kumar and daughter of Balwinder Sharma. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 29.04.2019, 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 First Class, Sri Muktsar Sahib 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. 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 the 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.58 dated 11.07.2018 under Sections 306 of the Indian Penal Code, registered at Police Station Bariwala, District Shri Muktsar Sahib and proceedings emanating therefrom stand quashed qua the petitioner.

(RAJ SHEKHAR ATTRI)
JUDGE

July 18, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.