

(2018) 09 P&H CK 0026

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous -M-637, 7047 of (O&M)

Amrik Singh and others

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 04-09-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 148, 149, 323, 324, 452

Citation : (2018) 09 P&H CK 0026

Hon'ble Judges : Raj Shekhar Attri, J

Bench : Single Bench

Advocate : Prateek Pandit, Amit Kohar, Saurav Khurana

Final Decision : Allowed

Judgement

This order shall dispose of the aforesaid two petitions as the same are inter connected.

By invoking Section 482 Code of Criminal Procedure (in short,

Cr.P.C.), the petitioners have prayed for quashing of FIR No. 24 dated

7.3.2016 for offence punishable under Sections 323, 452, 148, 149 of the Indian Penal Code (in short, IPC) registered at Police Station Sadar,

Kapurthala, District Kapurthala and proceedings emanating therefrom and cross case registered vide report No.36 dated 9.3.2016 registered under

Sections 323, 324, 34 IPC in the aforesaid FIR on the basis of compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Kamaljit Singh son of Mohinder Singh while the cross case was registered on the

basis of statement of Amrik Singh son of Fakir Singh. Now, dispute between the parties has been resolved by way of compromise Annexures P-2.

Vide order dated 4.7.2018, 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 Additional Chief Judicial Magistrate, Kapurthala wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any coercion or undue influence.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioners and respondent No.2 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. 24 dated 7.3.2016 under Sections 323, 452, 148, 149 IPC registered at Police Station Sadar,

Kapurthala District Kapurthala and proceedings emanating therefrom and cross case registered vide report No.36 dated 9.3.2016 registered under

Sections 323, 324, 34 IPC to the aforesaid FIR stand quashed qua the petitioners.