

(2018) 09 P&H CK 0027

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No.31088 of 2018 in/and??Criminal Misc.No.M-18838 of 2016 (O&M)

Baldev Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 05-09-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 148, 149, 380, 427, 506

Citation : (2018) 09 P&H CK 0027

Hon'ble Judges : Raj Shekhar Attri, J

Bench : Single Bench

Advocate : Ashok Kumar Khunger, Saurav Khurana, I.S.Mann

Final Decision : Allowed

Judgement

Application is allowed as prayed for. Amended memo of parties is taken on record.

Criminal Misc.No.M-18838 of 2016 (O&M)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.50 dated 30.08.2014, registered under Sections 380, 427, 506,

148, 149 IPC at Police Station Bariwala, District Shri Muktsar Sahib and proceedings emanating therefrom on the basis of compromise (Annexures P-

2) arrived at between the parties.

The instant petition has already been dismissed as withdrawn qua petitioner No.16 Nirmal Singh son of Ginder Singh vide order dated 02.08.2018,

passed by this Court.

In the present case, the FIR was registered on the statement of respondent No.2- Amritpal Singh Sandhu. Now, dispute between the parties has been

resolved by way of compromise Annexure P-2. Vide orders dated 23.09.2016 and 16.05.2018, the parties were directed to appear before the trial

Court/Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate, 1st 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 pressure or coercion in any manner.

Counsel for the State and respondent No. 2 have not disputed that the parties i.e. petitioner Nos.1 to 15 and 17 namely Baldev Singh, Sartaj Singh,

Parneet Singh, Arshdeep Singh, Bhinder Singh, Vir Singh, Harvinder Singh, Jasvir Singh, Kewal Singh, Shubhdeep Singh, Master Darshan Singh,

Dharminder Singh, Jagga Singh, Nirmal Singh son of Charanjit Singh, Parampal Singh and Charna Gill and respondent Nos.2 to 4 (complainant party)

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.50 dated 30.08.2014, registered under Sections 380, 427, 506, 148, 149 IPC at Police Station

Bariwala, District Shri Muktsar Sahib and proceedings emanating therefrom stand quashed qua the petitioner Nos.1 to 15 and 17 namely Baldev

Singh, Sartaj Singh, Parneet Singh, Arshdeep Singh, Bhinder Singh, Vir Singh, Harvinder Singh, Jasvir Singh, Kewal Singh, Shubhdeep Singh, Master

Darshan Singh, Dharminder Singh, Jagga Singh, Nirmal Singh son of Charanjit Singh, Parampal Singh and Charna Gill.