

(2013) 08 P&H CK 0442
In the Punjab And Haryana At Chandigarh
Case No : CRM-M No. 40312 of 2012

Manpreet Singh and Another	Vs	APPELLANT
State of Punjab and Another		RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 341, 382, 506

Citation : (2013) 08 P&H CK 0442

Hon'ble Judges : Rekha Mittal, J

Bench : Single Bench

Advocate : Naresh Jain, for the Appellant; Neeraj Sharma, AAG, Punjab for Respondent No. 1 and Mr. Paviterdeep Singh Bhinder, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Rekha Mittal, J.—Mr. Paviterdeep Singh Bhinder, Advocate has put in appearance on behalf of respondent No. 2. Compromise deed filed in Court is taken on record.

2. Through the present petition filed u/s 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 6 dated 16.01.2012 for offence punishable u/s 506, 382, 341, 323, 34 IPC, registered at Police Station Kabarwal, Tehsil Malout, District Sri Muktsar Sahib and proceedings emanating therefrom, on the basis of compromise dated 18.09.2012 (Annexure P-2), arrived at between the parties.

3. Vide this Court's order dated 06.03.2013, the parties were directed to appear before the trial Court to get their respective statements recorded. Simultaneously, the Trial Court was also directed to submit its report with regard to genuineness of the compromise arrived at between the parties.

4. Now, in compliance thereto, a report has been received from the trial Court stating therein that the parties have compromised the matter with their free consent, sweet will, without any threat, pressure or undue influence. However,

with regard to accused Manpreet Singh, it was observed that since he did not appear in person, therefore, it cannot be stated that whether the matter has been compromised with him or not.

5. Counsel for the petitioner has placed on record a compromise deed effected between the parties, which bears the signature of both the parties.

6. Counsel for the State has not disputed the genuineness of compromise arrived at between the parties in view of the report furnished by the trial Court.

7. A perusal of the allegations of the FIR in the instant case reveals that the present case squarely falls in that category of cases which can be quashed by the High Court in exercise of its inherent power u/s 482 Cr.P.C.

8. Keeping in view the authoritative enunciation of law laid down by this Court in Kulwinder Singh and Others Vs. State of Punjab and Another, and Hon''ble the Supreme Court in Madan Mohan Abbot Vs. State of Punjab, and Gian Singh Vs. State of Punjab and Another, and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would tantamount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end. In this view of the matter, the petition is allowed and FIR No. 6 dated 16.01.2012 for offence punishable u/s 506, 382, 341, 323, 34 IPC, registered at Police Station Kabarwal, Tehsil Malout, District Sri Muktsar Sahib and proceedings emanating therefrom stand quashed.