
(2018) 10 P&H CK 0169

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No. No.34070 of 2018 (O&M)

Ram Dass and others

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 22-10-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 323, 324, 452, 506

Citation : (2018) 10 P&H CK 0169

Hon'ble Judges : Raj Shekhar Attri, J

Bench : Single Bench

Advocate : Parminder Singh, Brijesh Sharma, Kamlesh

Final Decision : Allowed

Judgement

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.74 dated 29.04.2018 for the offences punishable under Sections

323, 324, 452, 506, 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Sanoli, District Panipat, (Annexure P-1) and all the

proceedings emanating therefrom on the basis of compromise dated 19.07.2018 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Dharambir Singh son of Sh. Durga Dass. Now, dispute between the parties has been resolved.

Vide order dated 09.08.2018, 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 learned Judicial Magistrate Ist Class, Samalkha, wherein it has been reported that statements of

the parties have been recorded that the compromise is genuine, voluntary, without any threat, coercion or undue influence.

Counsel for the State as well as counsel for respondent Nos.2 to 5 have not disputed that the parties i.e. petitioners and respondent Nos.2 to 5 have arrived at a settlement with an intent to give burial to their differences.

Short reply by way of affidavit of Sh. Vijender Singh, HPS, Deputy Superintendent of Police, Samalkha, District Panipat has been filed today in Court on behalf of respondent No.1-State of Haryana. The same is taken on record. Copy thereof be supplied to counsel opposite.

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 and FIR No.74 dated 29.04.2018 for the offences punishable under Sections 323, 324, 452, 506, 34

IPC, registered at Police Station Sanoli, District Panipat, (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise

stand quashed qua the petitioners.