

CRM-M-37162 of 2016

Date of Decision: 28.03.2018.

AMIT KUMAR & ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Jasleen Kaur, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Ms. Jasneet Kaur, Advocate
for respondent No. 2 .

RAJ SHEKHAR ATTRI, J. (ORAL)

By invoking Section 482 Cr.P.C., petitioners have prayed for quashing of FIR No. 121 dated 07.07.2016 under Sections 323/325/34 of India Penal Code registered in Police Station Division "E" Amritsar, District Amritsar (Annexure P-1) and proceedings emanating therefrom on the basis of compromise(Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Shiva Atwal. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide orders dated 19.10.2016 and 25.01.2018, 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 the

Additional Chief Judicial Magistrate, Amritsar wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter. As such the compromise is genuine, voluntary and without any coercion or undue influence.

Counsel for the State and respondent No.2 have not disputed that 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 vs. State of Punjab and another' 2012 (4) R.C. R. (Criminal) 543 and in the light of facts and circumstances discussed hereinabove, 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. 121 dated 07.07.2016 under Sections 323/325/34 of India Penal Code registered in Police Station Division "E" Amritsar, District Amritsar (Annexure P-1) and proceedings emanating therefrom stand quashed qua the petitioners.

(RAJ SHEKHAR ATTRI)
JUDGE

March 28, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No