

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-322-2019 (O&M)
Date of decision: 13.08.2019

Ashish and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.765 dated 19.11.2018 registered under Sections 307, 452, 506, 34 of the Indian Penal Code (for short 'IPC') and Sections 25, 54, 59 of the Arms Act, 1959 at Police Station Dadri Sadar, District Charkhi Dadri and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 09.01.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 04.02.2019 sent by the Chief Judicial Magistrate, Charkhi Dadri, has been received which is available on record of the case along with the statement of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found

to be a genuine one.

It is a case of no injury, although, fire arms had been used. It is debatable as to whether offence under Section 307, IPC is made out or not.

After going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482, Cr.P.C. so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.765 dated 19.11.2018 registered under Sections 307, 452, 506, 34, IPC and Sections 25, 54, 59 of the Arms Act, 1959, Police Station Dadri Sadar, District Charkhi Dadri and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

13.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No