

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-2411-2019
Date of Decision:30.05.2019**

Gurpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.P.S.Punia, Advocate for the petitioner.
Mr.Bhupinder Beniwal, AAG, Punjab.
Mr.G.S.Bains, Advocate for respondents No.2 and 3.

ANIL KSHETARPAL, J.

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No.106 dated 14.11.2018 registered under Sections 307/341/506/336 IPC and Sections 25/27 of the Arms Act at Police Station, Moonak District Sangrur and the consequential proceedings arising therefrom, on the basis of a compromise (Annexure P-1).

Notice of motion was issued.

In compliance of the order dated 21.01.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 06.03.2019 sent by the learned Sub Divisional Judicial Magistrate, Moonak has been received which is available on record

of the case along with the statements 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.

After hearing the learned counsel for the parties and going through 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 the Court settlement by way of compromise (Annexure P-1). 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**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**.

It is not in dispute that there was no injury to the complainants. It is debatable that whether offence under Section 307 IPC is made out or not. In any case, since the parties have entered into a settlement and the complainant-Daljit Singh and his wife have suffered statement before the learned trial court, admitting the settlement on the intervention of respectable members of the Society, it is appropriate FIR No.106 dated 14.11.2018 registered under Sections 307/341/506/336 IPC and Sections 25/27 of the Arms Act at Police Station, Moonak District Sangrur and the consequential proceedings arising therefrom are ordered to be

quashed, however, qua the petitioner only.

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

30.05.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No