

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-1969 of 2019

Date of Decision: September 26, 2019.

Harleen Sharma @ Harleen Hardwaj and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Achin Gupta, Advocate, for the petitioners.

Mr.Bhupender Beniwal, AAG, Punjab, for respondent No.1.

Mr.Simranjeet Singh, Advocate, for

Mr.J.S. Lalli, Advocate, for respondent No.2.

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Anil Kshetarpal, J. (Oral)

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.210 dated 27.09.2017, registered under Sections 324/323/34 IPC at Police Station City, Faridkot, District Faridkot, and all the consequential proceedings arising therefrom, on the basis of compromise.

Vide order dated 28.02.2019, parties were directed to appear before the Trial Court/Illaq Magistrate on 26.03.2019 for getting their statements recorded with regard to the compromise arrived at between them and the Illaq Magistrate/trial Court was directed to send his report after recording the statements of all the complainant/injured and victim.

In compliance of the order dated 28.02.2019, learned Judicial Magistrate, 1st Class, Kharar has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“(1) The statements of the parties are bonafide and
voluntary and are not result of any pressure or

coercion etc. in any manner.

- (2) The compromise between the parties is genuine and valid.
- (3) All the accused, complainant and injured are party to the compromise.
- (4) Another case bearing FIR No.257 dated 31.10.2016 under Sections 323, 341, 451 IPC read with Section 34 IPC, Police Station City, Faridkot is pending trial against the respondent No.2-complainant-Sardool Singh.
- (5) None of the person involved in this case/dispute has so far been declared proclaimed offender.
- (6) None of the petitioner(s) is a/are previous convict.”

On 22.08.2019, counsel for the petitioners was directed to verify the stage of criminal case arising out of FIR No.294 dated 20.11.2012. In the aforesaid case, the petitioner No.2 stands acquitted vide judgment dated 25.05.2015 (Annexure P-6).

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

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-2). The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of

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,

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.210 dated 27.09.2017, registered under Sections 324/323/34 IPC at Police Station City, Faridkot, District Faridkot, and all the consequential 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.

September 26, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

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