

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-2964 of 2019

Date of Decision: September 19, 2019.

Gurpreet Singh @ Gopi and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Ranjit Sharma, Advocate, for the petitioners.

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

Mr.Shivender, Advocate, for respondent No.2.

-.-

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.189 dated 05.12.2018, registered under Sections 307/506/427/323/324/148/149 IPC and 25/27 of the Arms Act, at Police Station Goindwal Sahib, District Tarn Taran, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued on 23.01.2019 and the parties were directed to appear before the Trial Court/Illaq Magistrate on 25.02.2019 for getting their statements recorded with regard to the compromise arrived at between them. The Trial Court/Illaq Magistrate was directed to submit its report regarding authenticity and genuineness of the compromise after recording statements of all the affected parties.

In compliance of the order dated 23.01.2018, learned Sub Divisional Judicial Magistrate, Khadur Sahib has recorded the statements of the parties and submitted her report, the relevant para whereof reads as

under:-

“This Court is, therefore, of the considered opinion that the compromise between the complainant and the accused persons has been arrived at and the same is genuine, voluntarily, without any coercive or undue influence with their free will.”

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 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**,

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.189 dated 05.12.2018, registered under Sections 307/506/427/323/324/148/149 IPC and 25/27 of the Arms Act, at Police Station Goindwal Sahib, District Tarn Taran, 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 19, 2019

mohinder

(ANIL KSHETARPAL)

JUDGE

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