

CRM-M-12344 of 2018 (O&M) 1

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

1. CRM-M-12344 of 2018 (O&M)

Hari Singh and another

....Petitioners

Versus

State of Haryana and another

...Respondents

2. CRA-S-1643-SB-2012 (O&M)

Hari Singh and another

....Appellants

Versus

State of Haryana

...Respondents

Date of Decision :15.11.2019

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Jitender Dhanda, Advocate, for the petitioners/appellants

Mr. Vikas Chopra, DAG, Haryana

Mr. Sunny Bhardwaj, Advocate for respondent no.2

ANIL KSHETARPAL, J.(ORAL)

By this order, two petitions i.e CRM-M-12344-2018 and CRA-S-1643-SB-2012 shall stand disposed of.

In CRM-M-12344-2018, 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. 247 dated 24.7.2009 registered under Sections 323,

325, 506, 34 IPC and Section 3 of SC/ST Act registered at Police Station Adampur and the consequential proceedings arising therefrom on the basis of settlement.

Notice of motion was issued.

In compliance of order dated 14.11.2019 passed by this Court, both the parties are present in Court, duly identified by their respective counsels. They have filed their respective affidavits in Court today and have admitted the correctness of the compromise as also the settlement arrived at between the parties.

Learned State counsel also does not have any objection.

After hearing the learned counsel for the State 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. 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**.

Since the first informant-injured and convicts-appellants have entered into settlement which is admitted by them in the affidavits filed today in Court, this Court is of the opinion that ends of justice would be met

if the parties are allowed to settle their dispute. It has been stated in the

affidavit that as many as 46 civil and criminal cases pending against each other are being settled through settlement/compromise dated 28.1.2018.

Considering the peculiar facts and circumstances of the present case coupled with the reasons aforementioned and to secure the ends of justice, the sentence awarded to the appellants in criminal appeal no. CRA-S-1643-SB-2012 vide judgment dated 24.4.2012 is reduced to the period already undergone.

Both petitions stand disposed of.

(ANIL KSHETARPAL)
JUDGE

15.11.2019

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No