

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-1302-2018 (O&M)

Date of decision: 07.08.2019

Rakesh Pal

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has 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.353 dated 01.10.2017 registered under Sections 304, 323, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Focal Point, District Ludhiana and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

In compliance of the order dated 22.05.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 29.07.2019 sent by the Chief Judicial Magistrate, Ludhiana, 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.

As per report, the investigating agency had also filed the cancellation report before the Court. A reading of the FIR, it is apparent that the allegations against the accused, who run “Pal Medical Store”, had given some wrong medication to the son of the first informant and he had died on that account.

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 (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, 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.353 dated 01.10.2017 registered under Sections 304, 323, 34 IPC, Police Station Focal Point, District Ludhiana and the subsequent 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.

(ANIL KSHETARPAL)
JUDGE

07.08.2019

D.Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No