

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

CRM-M-9694-2019

Date of Decision:15.05.2019

Brij Mohan and others

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Piyush Sharma, Advocate for the petitioners.
Mr.Ramdeep Partap Singh, DAG, Punjab.
Mr.Sanjeev Kumar Arora, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

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.163 dated 09/10/2013 registered under Sections 380/34 of the Indian Penal Code ('IPC' for short) at Police Station, Cantt. Ferozepur, District Ferozepur and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 01.03.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 01.05.2019 sent by the learned Judicial Magistrate 1st Class, Ferozepur 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-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.163 dated 09/10/2013 registered under Sections 380/34 IPC at Police Station, Cantt. Ferozepur, District Ferozepur and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner(s) only.

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

15.05.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No