

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-16677-2017 (O&M)

Date of decision: 05.08.2019

Sushil Kumar and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None.

ANIL KSHETARPAL, J. (ORAL)

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.351 dated 22.04.2017 registered under Section 392 of the Indian Penal Code (for short 'IPC'), at Police Station Karnal Sadar, District Karnal 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 27.08.2018 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 25.09.2018 sent by the Additional Chief Judicial Magistrate, Karnal, 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.

It has been reported by the Judicial Magistrate that the car

belongs to Parveen Kumar. SI Bhim Singh, Investigating Officer, present in Court, has submitted that Parveen Kumar was called to join the investigation wherein he has admitted that the vehicle in question had already been sold to Sushil Kumar, although, the registration of the car continues in the name of Parveen Kumar.

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.351 dated 22.04.2017 registered under Section 392 IPC, Police Station Karnal Sadar, District Karnal and the subsequent 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.

05.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No