

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-11916 of 2019

Date of Decision: September 17, 2019.

Rajinder Singh Rajawat and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Ajay Ghangas, Advocate, for the petitioners.
Mr.Vikas Chopra, DAG, Haryana.

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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.1132 dated 18.12.2017, registered under Sections 34, 448, 453 and 506 IPC at Police Station Gurgaon Sadar, Gurugram, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued vide order dated 15.03.2019 and parties were directed to appear before the Trial Court/Illaq Magistrate on 13.05.2019 for getting their statements recorded with regard to the compromise arrived at between them. The learned Trial Court/Illaq Magistrate was directed to submit its report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties.

In compliance of the order dated 15.05.2019, learned Judicial Magistrate, 1st Class, Gurugram has recorded the statements of the parties and submitted his report dated 20.05.2019, the relevant para whereof reads

“As per the statements of both the parties, compromise between parties is voluntarily entered and both sides are agreed upon the same. The original statements of the complainant Monica and accused Rajinder, Asha, Kusum and Prem Singh and copy of zimini order dated 13.05.2019 is attached with this letter for your kind necessary action.”

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.1132 dated 18.12.2017, registered under Sections 34, 448, 453 and 506 IPC at Police Station Gurgaon Sadar, Gurugram, 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 17, 2019

mohinder

(ANIL KSHETARPAL)
JUDGE

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