

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

**CRM-M-20879-2018
Date of Decision:21.11.2019**

Rajbinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CRM-M-11850-2018

Parminder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.K.Handa, Advocate for the petitioners in
CRM-M-20879-2018 and for respondents No. 2 to 8 in
CRM-M-11850-2018.

Mr.Atul Goyal, Advocate for the petitioners in
CRM-M-11850-2018 and for respondents No.2 to 6 in
CRM-M-20879-2018.

Mr.SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

This order shall dispose of both the above-mentioned petitions bearing numbers CRM-M-20879-2018 and CRM-M-11850-2018 arising out of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure by invoking its inherent jurisdiction for quashing of FIR No.0058 dated 25.08.2016 registered under

Sections 323, 324, 148 and 149 IPC (Sections 326 and 307 IPC added later on) and its cross version case/DDR No.54 dated 29.08.2016 at Police Station Dera Baba Nanak, District Batala (Gurdaspur) as well as the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the orders dated 07.02.2019 and 04.04.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 06.07.2019 sent by the learned Judicial Magistrate 1st Class, Batala, 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 State and going through record of the case, this Court is of the considered opinion that these are fit cases 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.0058 dated 25.08.2016 registered under Sections 323, 324, 148 and 149 IPC (Sections 326 and 307 IPC added later on) and its cross version case/DDR No.54 dated 29.08.2016 at Police Station Dera Baba Nanak, District Batala (Gurdaspur) as well as the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, both these petitions stand allowed.

21.11.2019
mks

(ANIL KSHETARPAL)
JUDGE

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