

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-21458 of 2018
Date of Decision: September 17, 2019.

Nitin Sharma and othersPetitioners
versus
State of Punjab and anotherRespondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Karan Bhardwaj, Advocate, for the petitioners.
Mr.Bhupender Beniwal, AAG, Punjab, for respondent No.1.

-. -

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.34 dated 27.05.2015, registered under Sections 406, 380 and 120-B IPC, Police Station Naya Gaon, District SAS Nagar Mohali, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued vide order dated 18.05.2018 and parties were directed to appear before the Trial Court/Illaq Magistrate on 04.06.2018 for getting their statements recorded with regard to the compromise arrived at between them.

In compliance of the order dated 18.05.2018, learned Judicial Magistrate, 1st Class, Kharar has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“From statement of above persons, ex-facie, it transpire that the compromise is genuine, voluntarily and out of free will of the parties qua complainant and accused.”

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.34 dated 27.05.2015, registered under Sections 406, 380 and 120-B IPC, Police Station Naya Gaon, District SAS Nagar Mohali, 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