

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

CRM-M-20701-2017 (O&M)

Date of decision : 05.09.2019

Daljeet Singh Kahlon

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Dinesh Trehan, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Present petition was filed under Section 482 Cr.P.C. for quashing of order dated 05.12.2015 passed by the learned Chief Judicial Magistrate, Pathankot, whereby application filed by the petitioner under Section 251 Cr.P.C. for discharging him has been dismissed.

While hearing arguments, it came to the notice of this Court that parties are co-sharers and closely related. Accordingly, on 28.08.2019, parties were requested to appear. Both the parties are present.

With the sincere efforts of learned counsel for the parties, parties have decided to resolve their dispute. First informant-Pirthi Pal Singh has filed affidavit to that effect. Parties pray that criminal prosecution under Section 447 IPC be quashed.

Learned counsel for the petitioner submits that when the prosecution was initiated, it was beyond time. Be that as it may. Once

parties have settled their dispute, the Court is not required to go into the aforesaid issue.

After hearing the learned counsel for the parties and 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. 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, order dated 05.12.2015 passed by the learned Chief Judicial Magistrate, Pathankot, whereby application filed by the petitioner under Section 251 Cr.P.C. for discharging him has been dismissed, is ordered to be quashed, on the basis of compromise.

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

05.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**