

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

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CRM-M-13471-2019
Date of Decision:12.07.2019

Jujhar Singh and another

....petitioners

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.B.S.Bajwa, Advocate
for the petitioners

Mr.Ramdeep Pratap Singh, DAG Punjab

Mr.Vikki Sharma, Advocate
for respondents No.2 to 4

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.82 dated 09.12.2016 registered under Sections 307/34 of the Indian Penal Code (for short 'IPC') (Section 323 IPC added later on), and under Section 25/27 of the Arms Act, 1959 (Section 54/59 of Arms Act, 1959 added later on) at Police Station Sekhwan, District Gurdaspur 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 23.05.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 15.06.2019 sent by the Judicial Magistrate Ist Class, Batala, 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.

Although, offence alleged is under Section 307 IPC, however, learned counsel for the parties have drawn the attention of the Court to judgment dated 02.07.2018 in Sessions Case No.12 of 20.03.2018. In the aforesaid judgment, it was noticed by the Court, while dealing the FIR in question, when trial was going on against Balbir Kaur, one of the co-accused, the star witnesses i.e. PW1 to PW3 have resiled and not supported the prosecution case and in the aforesaid judgment, accused-Balbir Kaur was acquitted. In view of the compromise/settlement, the prosecution witnesses are not likely to support the case of the prosecution.

After hearing 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 (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.82 dated 09.12.2016 registered under Sections 307/34 of IPC (Section 323 IPC added later on), and under Section 25/27 of the Arms Act, 1959 (Section 54/59 of Arms Act, 1959 added later on) at Police Station Sekhwan, District Gurdaspur 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.

12.07.2019*neenu***(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No