

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13077-2019
Date of Decision:04.09.2019

Manoj Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondent(s)

CRM-M-12793-2019

Poonam and another

...Petitioners

Versus

State of Haryana and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioners.
Mr.Vikas Chopra, DAG, Haryana.

ANIL KSHETARPAL, J.

This order shall dispose of both the above-mentioned petitions bearing numbers CRM-M-13077-2019 and CRM-M-12793-2019 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 invoking its inherent jurisdiction for quashing of FIR No.376 dated 16.9.2018 registered under Sections 323, 354-B, 452, 506 IPC (Section 354-B IPC deleted) and its cross version case dated 16.9.2018 registered under Sections 323, 506, 34 IPC at Police Station Badhra, District Charkhi Dadri as well as the

consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the orders dated 19.03.2019 and 25.03.2019 passed by this Court in CRM-M-12793-2019 and CRM-M-13077-2019, respectively, the parties got their statements recorded before the learned trial court. Consequently, a report dated 25.04.2019 sent by the learned Civil Judicial Magistrate 1st Class, Charkhi Dadri, has been received in CRM-M-12793-2019, 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.376 dated 16.9.2018 registered under Sections 323,

354-B, 452, 506 IPC (Section 354-B IPC deleted) and its cross version case dated 16.9.2018 registered under Sections 323, 506, 34 IPC at Police Station Badhra, District Charkhi Dadri as well as the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner(s) only.

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

04.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No