

CRM-M-13458-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-13458-2019 (O&M).
Decided on : September 24, 2019.**

Balwant Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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**PRESENT Mr.Naveen Sharma, Advocate, for
for the petitioners.**

Mr.S.P.S.Tinna, Addl. A.G., Punjab.

**Mr.S.K.Bawa, Advocate,
for respondent No.2 - complainant.**

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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.9, dated 2.2.2016, registered under Sections 406 and 498-A IPC, at Police Station Women, District Ludhiana and the consequential proceedings arising therefrom on the basis of compromise.

On 15.7.2019, while issuing notice of motion, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 16.8.2019 or any other convenient date to the Court to get their statements

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recorded and learned trial Court/Illaq Magistrate was directed to send the report regarding genuineness of compromise on or before the date fixed.

Pursuant to the aforesaid order, parties have appeared before learned trial Court/Illaq Magistrate, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 20.8.2019, duly forwarded through learned District and Sessions Judge, Ludhiana, to the effect that the parties appeared in the Court on 16.8.2019 and suffered statements regarding compromise effected between them. She has further reported that compromise effected between the parties is genuine, and they have compromised the matter voluntarily without any pressure, duress, inducement and threat of any kind from any corner with their free will and statements recorded by the complainant as well as accused are not result of any pressure or coercion.

Counsel for the petitioners and counsel for the respondent no.2 pray that in view of the aforesaid facts, the FIR and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Punjab states that in view of the settlement between the parties, the State would not stand in the way of the settlement and would not oppose the quashing of the FIR and all subsequent proceedings emanating therefrom.

I have heard learned counsel for the parties, perused the report submitted by the learned trial Court/Illaq Magistrate. I am of the considered opinion that the petitioners-accused and the respondent no.2 have

resolved their differences by a bona fide compromise, without any coercion or undue influence. Both the parties acknowledges the settlement/compromise.

In the considered opinion of this Court, 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 and 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.9, dated 2.2.2016, registered under Sections 406 and 498-A IPC, at Police Station Women, District Ludhiana and 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.

(ANIL KSHETARPAL)
JUDGE

September 24, 2019.

raj arora

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No