

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CRM-M-27892-2015 (O&M)

Date of decision: 03.04.2019

Dalip Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S. Gill, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. M.S. Sidhu, Advocate
for the applicant/respondent.

ANIL KSHETARPAL, J. (ORAL)

CRM-40487-2015

Natha Singh-applicant prays for impleadment as respondent No.4 in the petition for quashing the FIR on the basis of compromise. The applicant is neither author of the FIR nor victim. He claims that he is also a sufferer in the hands of accused.

In the considered view of this Court, the applicant cannot be impleaded as party in this petition which has been filed for quashing of the FIR. He has an independent remedy which he can resort to, therefore, the application is dismissed.

CRM-M-27892-2015

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.248 dated 15.11.2014 registered under Sections 420, 120-B of the Indian Penal Code (for short 'IPC'), at Police Station Division No.5, Civil Lines, Ludhiana 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 24.08.2015 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 07.10.2015 sent by the Addl. Chief Judicial Magistrate, Ludhiana, 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.

Learned counsel for the petitioners as well as learned counsel for the State are ad idem that none of the petitioners is proclaimed offender.

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 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.248 dated 15.11.2014 registered under Sections 420, 120-B, IPC, Police Station Division No.5, Civil Lines, Ludhiana 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.

03.04.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No