

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

CRM-M-28945-2017 (O&M)

Date of decision : 06.09.2019

Paramjit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dinesh Trehan, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Rajesh Bhateja, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Present petition has been filed for quashing of FIR No.153 dated 28.10.2016 registered under Sections 420, 120-B IPC, at Police Station Sadar Fazilka, and the consequential proceedings arising therefrom, on the basis of settlement (Annexure P-3).

Notice of motion was issued.

Counsel appearing on behalf of respondent No.2-first informant had appeared on 26.08.2019 and admitted the factum of settlement. Today also, factum of settlement by the first informant is admitted. Affidavit of Sunil Kumar-first informant has also been filed as Annexure P-3. As per Section 320(2) of Cr.P.C., offence under Section 420 IPC is compoundable.

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, FIR No.153 dated 28.10.2016 registered under Sections 420, 120-B IPC, at Police Station Sadar Fazilka and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioners only.

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

In view of the above, the present petition is allowed.

06.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No