

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30735-2018 (O&M)
Date of Order:30.09.2019

Roop Lal and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Jasvir Kaur, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Sidharth Grover, Advocate, for
Mr. Baljinder Singh, Advocate
for respondent no.2-complainant.

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.98, dated 16.06.2018, registered under Sections 323/325/452/427/148/149 IPC, at Police Station, Division 1, Jalandhar and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued and the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements.

On 22.10.2018, Mr. Baljinder Singh, counsel appearing on behalf of respondent no.2 had sought an adjournment to implead all those persons, who had sustained injuries or were affected parties. The

Coordinate Bench allowed the request and issued notice to the newly added respondents. The Court also directed the newly added respondents to appear before the Illaqa Magistrate/trial Court to get their statements recorded.

In compliance of the orders dated 23.07.2018 and 28.05.2019, passed by this Court, the parties got their statements recorded before the learned Judicial Magistrate Ist Class, Jalandhar. Consequently, reports dated 31.08.2018 and 25.09.2019 along with statements of the parties have been received which are available on record of the case. Both the learned Magistrates have reported that the compromise effected between the parties is genuine one, without any pressure or coercion and the settlement effected between the parties is not having any adverse affect upon the rights of any third party.

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

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

After hearing the learned counsel for the parties and 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* 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.98, dated 16.06.2018, registered under Sections 323/325/452/427/148/149 IPC, at Police Station, Division 1, Jalandhar 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.

September 30, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No