

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32026-2018(O&M)

Date of Order:15.10.2019

Vinod Garg @ Mama and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Dutt, Advocate
for the petitioners.
Mr. Anmol Malik, AAG, Haryana
Mr. Kunal Dawar, Advocate
for respondents no.2 to 5.

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.375, dated 31.05.2016, registered under Section 306 of the Indian Penal Code, at Police Station Ballabgarh City, District Faridabad and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 29.08.2019 passed by this Court, the parties got their statements recorded before the learned Additional Sessions Judge, Faridabad. Consequently, a report dated 03/04/10.2019 along with statements of the parties has been received which is available on record of the case. Learned Additional Sessions Judge, Faridabad has reported that the compromise/settlement between the parties appears to be genuine, voluntarily, without any coercion or undue influence.

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 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.

It is debatable as to whether offence under Section 306 IPC is made out against the petitioners-accused or not?

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.375, dated 31.05.2016, registered under Section 306 of the Indian Penal Code, at Police Station Ballabgarh City, District Faridabad 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.

October 15, 2019

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)
JUDGE

: Yes/No

: Yes/No