

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

**CRM-M-33494-2018 (O&M)
Date of Decision: 26.08.2019**

Naveen Kumar @ Naveen Bose

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Rakesh Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G. Haryana.

Mr. Upender Prashar, Advocate
for respondent No.2.

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.164 dated 20.10.2015 registered under Sections 420, 406, 467, 468, 471, 506 and 120-B of the Indian Penal Code ("IPC" for short), at Police Station Sadar Ambala, District Ambala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 16.05.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 08.07.2019 along with copy of compromise sent by the learned Judicial Magistrate First Class, Ambala, has been received which is available on record of the case along with the statements 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 petitioner as well as learned counsel for the State are *ad idem* that petitioner is not a proclaimed offender.

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* v. *State of Punjab and another*; 2007 (3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in *Gian Singh* v. *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.164 dated 20.10.2015 registered under Sections 420, 406, 467, 468, 471, 506 and 120-B IPC at Police Station Sadar Ambala, District Ambala 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.

(ANIL KSHETARPAL)
JUDGE

26.08.2019
rajeev

Whether speaking/reasoned

Yes

Whether reportable

Yes/No