

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

1. CRM-M-16504-2019 (O&M)
Date of decision : 27.05.2019
Rakesh Kumar and another ...Petitioners
Versus
State of Punjab and others ...Respondents
2. CRM-M-17199-2019 (O&M)
Date of decision : 27.05.2019
Shivam and others ...Petitioners
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jasraj Singh, Advocate for the petitioners
(In CRM-M-16504-2019)
for respondent Nos.2 and 3 (In CRM-M-17199-2019)

Mr. Abhishek Sharma, Advocate for the petitioners
(In CRM-M-17199-2019)
for respondent Nos.2 to 4 (In CRM-M-16504-2019)

Mr. Ramdeep Pratap Singh, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

By this common order, two petitions bearing CRM-M-16504-
2019 and CRM-M-17199-2019 shall stand disposed of.

CRM-M-16504-2019 (O&M)

Prayer in this petition is for quashing of FIR No.37 dated
20.04.2016 registered under Sections 323, 451, 506 and 34 of the Indian Penal
Code ('IPC' for short), at Police Station City, District Hoshiarpur, and the
consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 10.04.2019 passed by this Court,

the parties got their statements recorded before the learned trial court. Consequently, a report dated 21.05.2019 sent by the learned Chief Judicial Magistrate, Hoshiarpur 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.

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.37 dated 20.04.2016 registered under Sections 323, 451, 506 and 34 of the Indian Penal Code ('IPC' for short), at Police Station City, District Hoshiarpur 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.

CRM-M-17199-2019 (O&M)

Prayer in this petition is for quashing of cross-case dated 05.05.2016 under Sections 323, 324 and 34 of the Indian Penal Code to FIR No.37 dated 20.04.2016 registered at Police Station City, District Hoshiarpur for offences punishable under Sections 323, 451, 506 and 34 of the Indian Penal Code and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued on 22.04.2019 and the trial Court/Illaq Magistrate was directed to submit report before this Court.

Although in this petition, report has not been received but the petitioners herein are respondents in CRM-M-16504-2019 and they have admitted the settlement between the parties.

In order to secure the ends of justice, cross-case dated 05.05.2016 under Sections 323, 324 and 34 of the Indian Penal Code to FIR No.37 dated 20.04.2016 registered at Police Station City, District Hoshiarpur for offences punishable under Sections 323, 451, 506 and 34 of the Indian Penal Code and the consequential proceedings arising therefrom are also ordered to be quashed, however, qua the petitioners only.

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

27.05.2019
Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No