

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

Date of decision: 04.07.2019

1. CRM-M-17043 of 2019 (O&M)

Kulwinder Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

2. CRM-M-17205 of 2019 (O&M)

Ramesh Pal and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.S. Aulakh, Advocate
for the petitioners (in CRM-M-17043-2019).
for respondents No.2 and 3 (in CRM-M-17205-2019).

Mr. Gurmandeep Brar, Advocate
for the petitioners (in CRM-M-17205-2019)
for respondents No.2 and 3 (in CRM-M-17043-2019).

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-17043 of 2019
and CRM-M-17205 of 2019 shall stand disposed of.

Petitioners have approached this Court by way of petition(s)
under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.')

invoking its inherent jurisdiction for quashing of FIR No.36 dated
20.03.2019 under Sections 323, 324, 34, IPC and its cross-version

case/DDR No.34 dated 20.03.2019 under Sections 323, 341, 34 IPC registered at Police Station Machhiwara, District Ludhiana and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Notice of motion was issued.

In compliance of the order dated 12.04.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, the reports dated 11.06.2019 sent by the Judicial Magistrate Ist Class, Samrala, have been received in both the cases, which are 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 going through the reports of the trial court as well as the case file, this Court is of the considered opinion that these are fit cases 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 the 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**, upheld 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.36 dated 20.03.2019 under Sections 323, 324, 34, IPC and its cross-version case/DDR No.34 dated 20.03.2019 under Sections 323, 341, 34 IPC registered at Police Station Machhiwara, District Ludhiana and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, both these petitions are allowed.

04.07.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No