

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

250

Date of decision: 29.05.2019

1. CRM-M-17814 of 2019 (O&M)

Bikramjeet Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

2. CRM-M-17839 of 2019 (O&M)

Karanbir Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh Kanwar, Advocate
for the petitioners (in CRM-M-17814-2019).
for respondents No.2 and 3 (in CRM-M-17839-2019).

Mr. Amit Arora, Advocate
for the petitioners (in CRM-M-17839-2019)
for respondents No.2 to 4 (in CRM-M-17814-2019).

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-17814 of 2019
and CRM-M-17839 of 2019 shall stand disposed of.

Para Singh-complainant, one of the injured has expired and his
three sons who are also injured and accused in cross case have also filed a
petition for quashing of FIR on the basis of compromise.

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.86 dated 12.06.2012 under Sections 323, 324, 326, 34, IPC and its cross-version case/DDR No.26 dated 21.06.2012 under Sections 323, 324, 326, 34 IPC registered at Police Station Jhabhal, District Tarn Taran 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 24.04.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, the reports dated 02.05.2019 sent by the Additional Chief Magistrate, Tarn Taran, 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.86 dated 12.06.2012 under Sections 323, 324, 326, 34 IPC and its cross-version case/DDR No.26 dated 21.06.2012 under Sections 323, 324, 326, 34 IPC registered at Police Station Jhabhal, District Tarn Taran 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.

29.05.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No