IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18478-2019 (O&M)
Date of decision : 19.12.2019

Hukam Chand ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arihant Goyal, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

Mr. Sandeep Kumar, Advocate for respondent No.2.

****

ANIL KSHETARPAL, J. (ORAL)

Petitioner has 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.294 dated 17.07.2018 registered under Section 420 of the Indian Penal Code at Police Station City Barnala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 24.09.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 21.10.2019 along with copy of compromise sent by the learned Chief Judicial Magistrate, Barnala 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

PAWAN KUMAR
2019.12.20 18:36
I attest to the accuracy and
authenticity of this document
Chandigarh

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.294 dated 17.07.2018 registered under Section 420 of the Indian Penal Code at Police Station City Barnala and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioner only.

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

19.12.2019 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

PAWAN KUMAR
2019.12.20 18:36
I attest to the accuracy and
authenticity of this document
Chandigarh