

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18589-2019 (O&M)
Date of Order:02.08.2019

Chamkour Singh @ Neela and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

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.141, dated 15.12.2018, registered under Sections 341/323/34 of the Indian Penal Code (lateron added Section 307 IPC), vide General Diary No.15, dated 14.02.2019 at Police Station Phool, District Bathinda and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 03.05.2019 passed by this Court, the parties got their statements recorded before the learned Judicial Magistrate Ist Class (Duty), Phul. Consequently, a report dated 20.05.2019 along with statements of the parties has been received which is available on record of the case. Learned Magistrate has reported that the compromise effected between the parties is voluntarily, without any pressure, threat or

coercion. None of the accused is proclaimed offender.

Both the parties are residing in the same village i.e. Dullewala, Police Station Phool, District Bathinda and are earning their livelihood by doing labour work. With the intervention of the Panchayat, a settlement has been arrived at. It is debatable as to whether offence under Section 307 IPC is made out or not?

After going through the record of the case and the report submitted by learned Judicial Magistrate Ist Class (Duty), Phul, 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* and *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.141, dated 15.12.2018, registered under Sections 341/323/34 of the Indian Penal Code (lateron added Section 307 IPC), vide General Diary No.15, dated 14.02.2019 at Police Station Phool, District Bathinda 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.

August 02, 2019
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(ANIL KSHETARPAL)
JUDGE

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