

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

CRM-M-38995-2014

Date of Decision: 31.10.2019

Rulda Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Bajaj, Advocate for the petitioners.
Mr.SPS Tinna, Addl. Advocate General, Punjab.
Mr.C.L.Premy, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

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.21 dated 21.01.2014 registered under Section 432 of the Indian Penal Code at Police Station, Tanda, District Hoshiarpur and the consequential proceedings arising therefrom.

Notice of motion was issued.

On 19.09.2019, following order was passed by this Court:-

“Although, initially the petition was filed for quashing of criminal prosecution on merits, however, during the pendency of the aforesaid petition, an application for permission to enter into a settlement has been filed. The alleged settlement in writing has been placed on file as Annexure P-8.

Learned counsel appearing on behalf of first respondent also admits that fact.

Keeping in view the aforesaid facts, parties are directed to appear before the concerned learned trial court on 17.10.2019 and get their statements recorded with regard to

settlement/compromise. The learned trial court is also requested to submit a report on or before the next date of hearing

List on 31.10.2019.”

In compliance of the above-said order dated 19.09.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 24.10.2019 sent by the learned Judicial Magistrate 1st Class, Dasuya 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 going through 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 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.21 dated 21.01.2014 registered under Section 432

of the Indian Penal Code at Police Station, Tanda, 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.

31.10.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No