

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39572-2017 (O&M)

Date of decision: 23.07.2019

Rajesh Rana and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gaurav Mohunta, Advocate for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Abhilaksh Grover, Advocate for respondent No.2.

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.91 dated 12.05.2016 registered under Sections 406, 420, 506 of the Indian Penal Code (for short 'IPC'), at Police Station Kaithal Sadar, District Kaithal and the consequential proceedings arising therefrom, on the basis of compromise.

With the sincere efforts of learned counsel for the parties, the parties had decided to resolve their disputes and first informant i.e. complainant/respondent No.2 had agreed to receive Rs.11,00,000/- in full and final settlement of the dispute. On 12.07.2019, a draft of Rs.4,00,000/- payable in favour of respondent No.2 was handed over which was duly accepted by learned counsel for respondent No.2. Today, remaining amount of Rs.7,00,000/- in the form of two demand drafts dated 15.07.2019 has been

handed over to respondent No.2, who is present and duly identified by his counsel. The deed of settlement duly signed by the parties and countersigned by their respective counsels have also been filed which is taken on record.

After hearing 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.91 dated 12.05.2016 registered under Sections 406, 420, 506, IPC, Police Station Kaithal Sadar, District Kaithal and the subsequent 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.

23.07.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No