

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42338-2018

Date of Decision:05.04.2019

Rakesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Babita, Advocate for
Mr.B.D.Sharma, Advocate for the petitioner.
Mr.Bhupinder Beniwal, AAG, Punjab.
Mr.Lalit Sharma, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

The 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.88 dated 08.10.2016 registered under Section 420 of the Indian Penal Code ('IPC' for short), at Police Station, Chatiwind District Amritsar and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order dated 15.12.2018 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 05.02.2019 sent by the learned Civil Judge (Junior Magistrate)-cum-Judicial Magistrate 1st Class, Amritsar, 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.

Learned counsel for the petitioner as well as learned counsel for the State are ad idem that petitioner is not proclaimed offender.

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 the Court settlement by way of compromise (Annexure P-2). 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.88 dated 08.10.2016 registered under Section 420 IPC at Police Station, Chatiwind, District Amritsar and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

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

05.04.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No