

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

CRM-M-22021-2019 (O&M)

Date of decision : 06.09.2019

Sansar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Saurabh Garg, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Piyush Aggarwal, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

CRM-25412-2019

Prayer in the application is to implead Tejinder Singh, one of the injured in a petition seeking quashing of criminal prosecution on the basis of settlement, as respondent No.3.

For the reasons stated in the application, application is allowed.

Tejinder Singh is impleaded as respondent No.3.

Mr. Piyush Aggarwal, Advocate has put in appearance on behalf of respondent No.3 and has filed his power of attorney.

Main case

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.182 dated 13.12.2014 registered under Sections 341/323/148/149 IPC at Police Station Kotwali Nabha, District Patiala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 15.05.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 01.07.2019 sent by the learned Judicial Magistrate Ist Class, Nabha, 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 Magistrate has also reported that statement of Tejinder Singh admitting the settlement between the parties was not recorded.

Today, Tejinder Singh-respondent No.3 has appeared alongwith his counsel and admitted the settlement. Affidavit to that effect has been filed which is taken on record.

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.182 dated 13.12.2014 registered under Sections 341/323/148/149 IPC at Police Station Kotwali Nabha, District Patiala and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioners only.

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

06.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No