

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-21678-2019 (O&M)
Date of decision: 19.07.2019

Dharminder Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Roopak Bansal, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

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.28 dated 16.02.2019 registered under Sections 323, 452, 341, 506, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Kharar, District SAS Nagar and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2). The petitioners are present in Court duly identified by their counsel. The first informant/victim is identified by the Investigating Officer, ASI Gurdev Singh, who is present in Court.

Notice of motion was issued.

In compliance of the order dated 13.05.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 02.07.2019 sent by the Judicial Magistrate Ist Class, Kharar, has been received which is available on record of the case along

with the statement 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 none of the petitioner is proclaimed offender.

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 (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.28 dated 16.02.2019 registered under Sections 323, 452, 341, 506, 34, IPC, Police Station Kharar, District SAS Nagar 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.

19.07.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No