

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

CRM-M-25274 of 2019 (O&M)
Date of decision : 16.07.2019

Ajay Sharma

...Petitioner

Versus

State of U.T and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karunesh Kaushal, Advocate
for the petitioner.

Mr. Gautam Dutt, APP, U.T, Chandigarh.

Mr. Amandeep Singh, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

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.193 dated 29.11.2016 registered under Sections 406/420 of the Indian Penal Code (for short 'IPC') at Police Station North, Chandigarh and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

Petitioner No.1 as well as respondent No.2 through its authorised signatory Sh. Sher Jang Singh are present along with their counsel and have filed their affidavits admitting correctness of the compromise/settlement. The deponents in the aforesaid affidavits are duly identified by their respective counsels. The affidavits are 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 (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.193 dated 29.11.2016 registered under Sections 406/420 of IPC at Police Station North, Chandigarh 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.

16.07.2019
rakesh

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No