

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21248-2019 (O&M)
Date of Order:07.11.2019

Sunil Kumar Sarpal

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chetan Bansal, Advocate for
for the petitioner.

Mr. SPS Tinna, Addl. A.G.,Punjab

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.219, dated 20.10.2017, registered under Sections 188/506 IPC, at Police Station Cantonment Police Commissionerate, Amritsar and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 27.09.2019 passed by this Court, the parties got their statements recorded before the learned Judicial Magistrate Ist Class, Amritsar. Consequently, a report dated 19.10.2019 along with statements of the parties has been received which is available on record of the case. Learned Magistrate has reported that the compromise effected between the parties is out of free will and genuine in nature.

Learned counsel for the petitioner as well as learned counsel for

the State are ad idem that none of the petitioner is proclaimed offender.

I have heard learned counsel for the parties, perused the affidavits filed by the parties. I am of the considered opinion that the petitioners-accused and the complainant/respondent no.2 have resolved their differences by a bonafide compromise, without any coercion or undue influence. Both the parties acknowledges the settlement/compromise.

In the considered opinion of this Court, 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* and *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.219, dated 20.10.2017, registered under Sections 188/506 IPC, at Police Station Cantonment Police Commissionerate, Amritsar and the consequential 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.

November 07, 2019

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No