

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21710-2019 (O&M)

Date of Order:04.09.2019

Durgesh Dhand

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate, for the petitioner.
Mr. Viks Chopra, DAG, Haryana
Mr. Kamlesh, Advocate, for respondent no.2.

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.599, dated 05.06.2017, registered under Sections 51, 52(A), 63 and 68-A of Copy Right Act, 1957 and Sections 506/420/201 IPC, at Police Station Karnal City, District Karnal and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 14.05.2019 passed by this Court, the parties got their statements recorded before the learned chief Judicial Magistrate, Karnal. Consequently, a report dated 19.07.2019 along with statements of the parties has been received which is available on record of the case. Learned Magistrate has reported that neither other accused was arrayed except the petitioner nor there was any other complainant except the respondents.

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

After hearing the learned counsel for the parties and 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* 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.599, dated 05.06.2017, registered under Sections 51, 52(A), 63 and 68-A of Copy Right Act, 1957 and Sections 506/420/201 IPC, at Police Station Karnal City, District Karnal and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only. Qua 4 accused, CRM-M-31009-2018 has already been allowed and FIR has been quashed vide order dated 16.11.2018.

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

September 04, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No