

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-21542 of 2019 (O&M)

Date of Decision :30.09.2019

Banwari Lal and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr. Nitin Thatai, Advocate for the petitioners

Mr. S.P.S.Tinna, Additional Advocate General, Punjab

Mr. Shilesh Gupta, 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. 94 dated 30.5.2018 registered under Sections 457, 380, 427, 341, 323, 506, 149 IPC at Police Station Moti Nagar, District Ludhiana and the consequential proceedings arising therefrom.

Petitioners are landlords. They filed eviction proceedings against their tenant- respondent No.2. Learned Court ordered eviction. The eviction order attained finality. On 25.5.2018 when the petitioners alongwith the Bailiff of the Court went to take possession, respondent No.2 requested for 2 days time. There is report of the Bailiff that judgment debtor refused to hand over possession and therefore police help was sought. It

appears that there was some dispute between the parties, which resulted in the present FIR.

During the course of hearing, respondent No.2 has filed affidavit to the effect that he has compromised with the petitioners and he is no more interested in prosecuting this criminal case. Respondent No.2 alongwith his counsel is present in Court and has made a statement to that effect. His affidavit is taken on record.

After hearing the learned counsel for the State and going through 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 the 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*, upheld 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. 94 dated 30.5.2018 registered under Sections 457, 380, 427, 341, 323, 506, 149 IPC at Police Station Moti Nagar, District Ludhiana 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.

(ANIL KSHETARPAL)  
JUDGE

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|---------------------------|--------|
| 30.09.2019                |        |
| rekha                     |        |
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |