

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-22206 of 2019
Date of Decision: September 20, 2019.

Pardeep Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.J.S.Brar, Advocate, for the petitioner.
Mr.Bhupender Beniwal, AAG, Punjab, for respondent No.1.
Mr.M.S.Dhaliwal, Advocate, for respondent Nos.2 & 3.

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Anil Kshetarpal, J. (Oral)

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.87 dated 28.04.2010, registered under Sections 452, 323, 506, 34 IPC, at Police Station Sahnewal, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued on 16.05.2019 and parties were directed to appear before the Trial Court/Illaq Magistrate on 30.05.2019 for getting their statements recorded with regard to the compromise arrived at between them.

In compliance of the order dated 16.05.2019, learned Judicial Magistrate, 1st Class, Ludhiana has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“3. After perusing the statements of the concerned parties, this Court is satisfied that the complainants Amritpal Singh and Bharbhur Singh have compromised the matter with the accused Pardeep Kumar in FIR No.87 dated 28.04.2010, registered under Sections 452/323/506/34 IPC, P.S. Sahnewal, Ludhiana, out of their free will

and without any inducement or pressure from the accused Pardeep Kumar.”

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties 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 (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, 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.87 dated 28.04.2010, registered under Sections 452, 323, 506, 34 IPC, at Police Station Sahnewal, District Ludhiana, and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

September 20, 2019

mohinder

(ANIL KSHETARPAL)

JUDGE