

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

273

Date of Decision:10.07.2019

CRM-M-22457-2019

Waqil Singh and another

....petitioners

Versus

State of Punjab and others

.....respondents

CRM-M-24476-2019

Jaswinder Singh and others

....petitioners

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.G.S.Hayer, Advocate
for the petitioners in CRM-M-22457-2019
for respondent No.2 in CRM-M-24476-2019

Mr.G.S.Simble, Advocate
for the petitioners in CRM-M-24476-2019
for respondents No.2 and 3 in CRM-M-22457-2019

Mr.Ramdeep Pratap Singh, DAG Punjab

ANIL KSHETARPAL, J. (ORAL):

This order shall dispose of two petitions i.e. CRM-M-22457-2019 and CRM-M-24476-2019.

The petitioners have approached this Court by way of instant petitions under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.0082

dated 05.11.2016 registered under Sections 341/323/148/149 of the Indian Penal Code (for short 'IPC'), at Police Station Kotbhai, Sri Muktsar Sahib as well as DDR No. 31 in FIR No.0082 dated 05.11.2016 under Sections 326/324/323/34 IPC, registered at Police Station Kotbhai, Sri Muktsar Sahib and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

In compliance of the order dated 16.05.2019 in CRM-M-22457-2019 and order dated 28.05.2019 in CRM-M-24476-2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, report(s) dated 17.06.2019 sent by the Sub-Divisional Judicial Magistrate, Gidderbaha, has been received which is available on record of the case along with the statement of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

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.0082 dated 05.11.2016 registered under Sections 341/323/148/149 IPC, at Police Station Kotbhai, Sri Muktsar Sahib as well as DDR No. 31 in FIR No.0082 dated 05.11.2016 under Sections 326/324/323/34 IPC, registered at Police Station Kotbhai, Sri Muktsar Sahib and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, both the petitions stand allowed.

10.07.2019
neenu

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No