

CRM-M-23214 of 2019 (O&M) 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23214 of 2019 (O&M)

Date of Decision :05.09.2019

Boota Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : None for the petitioners

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

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.76 dated 3.4.2019 registered under Sections 379-B, 323, 506, 427, 148 and 149 IPC at Police Station Civil Lines, District Bathinda and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order dated 20.5.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 3.8.2019 sent by the learned Chief Judicial Magistrate, Bathinda has been received which is available on record of the case along with the statements of the parties. Learned Chief Judicial

voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

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 (Annexure P-1). 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.76 dated 3.4.2019 registered under Sections 379-B, 323, 506, 427, 148 and 149 IPC at Police Station Civil Lines, District Bathinda 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

05.09.2019

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No