

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49963-2018(O&M)

Date of Order:01.05.2019

GURJIWAN SINGH AND OTHERS

..Petitioners

Versus

STATE OF PUNJAB AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioners

Mr. Ramdeep Partap Singh, DAG, 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.113, dated 09.02.2010, registered under Sections 420/120-B IPC and Sections 419/467/468/471 of the Indian Penal Code, Police Station Kotwali, Bathinda, District Bathinda and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order dated 15.11.2018 passed by this Court, the parties got their statements recorded before the learned Chief Judicial Magistrate, Bathinda. Consequently, a report dated 30.01.2019 along with statements of the parties sent by the learned Chief Judicial Magistrate, Bathinda has been received which is available on record of the case. Learned Magistrate has reported that the parties have effected compromise with each other without any threat, pressure or undue influence. The compromise effected between the parties has been found to be genuine and voluntary.

Learned counsel for the petitioners is not present.

Learned counsel for the State has stated that none of the petitioners is 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.113, dated 09.02.2010, registered under Sections 420/120-B IPC and Sections 419/467/468/471 of the Indian Penal Code, Police Station Kotwali, Bathinda, 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.

May 01, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No