

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49168-2017

Date of Decision: 26.08.2019

Harjinder Singh @ Jindi and others

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CRM-M-2666-2018

Joginder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Jaswal, Advocate for the petitioners in
CRM-M-49168-2017 and for respondents No.2 to 4 in
CRM-M-2666-2018
Mr. Ankush Thakral, Advocate for the petitioners in
CRM-M-2666-2018 and for respondent No.2 and 3 in
CRM-M-49168-2017.
Mr. SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

CRM-24451-2019 in CRM-M-49168-2017

Application is allowed. Applicant Veer Kaur, as mentioned in para 2 of the application, is impleaded as party-respondent No.3. Amended memo of parties is also permitted to be placed on record.

CRM-24431-2019 in CRM-M-2666-2018

Application is allowed. Applicant Harjinder Singh @ Jindi, as mentioned in para 2 of the application, is impleaded as party-respondent

No.4. Amended memo of parties is also permitted to be placed on record.

Main case

This order shall dispose of both the above-mentioned petitions bearing numbers CRM-M-49168-2017 and CRM-M-2666-2018 arising out of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.254 dated 13.11.2015 under Sections 323, 325, 452, 148 and 149 IPC and its cross-version case/DDR No.33 dated 17.11.2015 under Sections 323, 326, 148 and 149 IPC registered at Police Station Jandiala Guru, District Amritsar and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the orders dated 16.02.2018, the parties got their statements recorded before the learned trial court. Consequently, the reports dated 22.03.2018 and 30.3.2018 in CRM-M-49168-2017 and CRM-M-2666-2018, respectively, sent by the learned Judicial Magistrate 1st Class, Amritsar, have been received, which are available on record of the case along with the statements of the parties including the statements of Veer Kaur and Harjinder Singh @ Jindi, who have been impleaded as party-respondent, vide order of even date passed in the aforementioned applications. 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 going through the reports of the trial court as well as the

case files, this Court is of the considered opinion that these are fit cases 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.254 dated 13.11.2015 under Sections 323, 325, 452, 148 and 149 IPC and its cross-version case/DDR No.33 dated 17.11.2015 under Sections 323, 326, 148 and 149 IPC registered at Police Station Jandiala Guru, District Amritsar and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

26.08.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No