

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

259

CRM-M-23853 of 2019

Decided on : 12.09.2019

Amrik Singh and others

... Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr.Rajat Garg, Advocate
for the petitioners.

Mr.SPS Tinna, Addl.AG, Punjab.

Mr.Joginder Sharma, Advocate for respondents No.2 and 3.

Anil Kshetarpal, J. (Oral)

Present petition has been filed for quashing of FIR No.260 dated 16.12.2018 registered under Sections 406, 420 and 120-B IPC, at Police Station Mandi Gobindgarh District Fatehgarh Sahib, and the consequential proceedings arising therefrom, on the basis of settlement (Annexure P-2).

Notice of motion was issued.

Respondents No.2 and 3 informants have appeared in the Court, duly identified by their counsel. They have admitted the factum of settlement with the petitioners. Joint affidavit of Mamta, respondent No.2 and Jasvir Kaur informant filed in Court today is taken on record. As per Section 320(2) of Cr.P.C., offence under Section 406, 420 and 120-B IPC are compoundable.

After hearing the 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. 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.260 dated 16.12.2018 registered under Sections 406, 420, 120-B IPC, at Police Station Mandi Gobindgarh District Fatehgarh Sahib and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioners only.

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

In view of the above, the present petition is allowed.

[ANIL KSHETARPAL]
JUDGE

12.09.2019
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No