

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-53072-2018
Date of Decision: 24.07.2019

Sandeep and others

....petitioners

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Vashisht, Advocate
for the petitioners

Mr. Satish Saini, DAG Haryana

None for respondent No.2

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.300 dated 02.10.2018 registered under Sections 147/148/149/323/307/506 of the Indian Penal Code (for short 'IPC'), and Section 25 of Arms Act, at Police Station Uchana, District Jind 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 01.12.2018 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 22.01.2019 sent by the Sub-Divisional Judicial Magistrate, Narwana, 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.

Learned counsel for the petitioners has pointed out that two FIRs lodged by each of the party were registered. FIR No.301 dated 02.10.2018, under Sections 147/148/149/323/307/341/506 IPC and 25 of the Arms Act, 1959 and Section 3(2)(v) of the SC/ST Act, 1989 (amended 2015), Police Station Uchana, Jind, registered at the behest of respondent No.2 has already been quashed by this Court vide order dated 01.04.2019 passed in CRM-M-53399-2018.

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.300 dated 02.10.2018 registered under Sections 147/148/149/323/307/506 IPCs and Section 25 of Arms Act, at Police Station Uchana, District Jind and the subsequent 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.

24.07.2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No.
Whether reportable-	Yes/No