

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

316

CRM-M-24919-2019 (O&M)

Date of decision: 26.08.2019

Sukhwinder Kumar @ Binder @ Balwinder

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. AG, Punjab.

Ms. Ramneeq Kaur, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has 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.86 dated 26.05.2010 registered under Sections 307, 427, 506, 148, 149 of the Indian Penal Code (for short 'IPC'), at Police Station Phillaur, District Jalandhar Rural and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Affidavit of the first informant i.e. Amrik Singh (complainant) has been filed and he is also present in Court duly identified by his counsel. Counsel appearing for respondent No.2 admits the correctness of the affidavit as also settlement arrived at between the parties.

Although, FIR has been registered under Section 307 of the Indian Penal Code, however, admittedly there is no injury. Hence, it is

debatable as to whether Section 307 of IPC is made out or not.

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. 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.86 dated 26.05.2010 registered under Sections 307, 427, 506, 148, 149, IPC, Police Station Phillaur, District Jalandhar Rural and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

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

26.08.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No