

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-25624 of 2019
Date of Decision: September 27, 2019.

Gagan Singh @ Gurmeet Singh and anotherPetitioners
versus
State of Punjab and anotherRespondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Arshdeep Singh Brar, Advocate, for the petitioners.
Mr.Bhupender Beniwal, AAG, Punjab for respondent No.1.
Mr.K.K.Chaudhary, Advocate, for respondent No.2.

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Anil Kshetarpal, J. (Oral)

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.62 dated 12.08.2016, registered under Sections 323, 324, 341, 148, 149 IPC at Police Station Sadar, Moga, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 24.07.2019, the parties were directed to remain present in the Court on the next date of hearing.

In compliance of the order dated 24.07.2019, petitioner No.2 as well as respondent No.2 are present in the Court and filed their respective affidavits which are taken on record. Both have been identified by their respective counsels. Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties and going through 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 the 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, 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.62 dated 12.08.2016, registered under Sections 323, 324, 341, 148, 149 IPC at Police Station Sadar, Moga, District Moga and all 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.

September 27, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether Reportable

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Yes/No