

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25064-2019 (O&M)
Date of Order:15.07.2019

Jony Alias Karan Singh and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harish Bhardwaj, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

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.175 dated 01.08.2018, registered under Sections 420/406 of the Indian Penal Code, at Police Station Chhappar, District Yamuna Nagar and the consequential proceedings arising therefrom.

In compliance of the order dated 29.05.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 15.06.2019 along with statements of the parties sent by the learned Judicial Magistrate first Class, Yamuna Nagar at Jagadhri, has been received which is available on record of the case. Learned Magistrate has reported that the parties have compromised the matter and the same is genuine, voluntary and without any coercion or undue influence. Both the parties have accepted the genuineness of the compromise.

Learned counsel for the State is ad idem that the petitioner is not a proclaimed offender.

After hearing the learned counsel for the parties and 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** and **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.175 dated 01.08.2018, registered under Sections 420/406 of the Indian Penal Code, at Police Station Chhappar, District Yamuna Nagar and 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.

July 15, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No