

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24957-2019 (O&M)

Date of decision: 12.07.2019

Vishal Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rohan Sharma, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

Mr. Barjinder Singh, 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.244 dated 29.07.2016 registered under Sections 420, 465, 467, 468, 471 of the Indian Penal Code (for short 'IPC'), at Police Station Tripuri, District Patiala and the consequential proceedings arising therefrom, on the basis of compromise.

Both the parties along with their counsel are present. Along with the petition, affidavit of the victim (author of the FIR) was filed, correctness whereof is not being disputed. Today also, both the parties have filed their affidavits admitting correctness of the compromise/settlement. The deponents in the aforesaid affidavits are identified by their respective counsels. The affidavits are taken on record.

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.244 dated 29.07.2016 registered under Sections 420, 465, 467, 468, 471, IPC, Police Station Tripuri, District Patiala 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.

12.07.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No