

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CRM-M-25779-2019 (O&M)
Date of decision : 31.07.2019

Rajat Lathar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

2. CRM-M-26288-2019 (O&M)
Date of decision : 31.07.2019

Ritik and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-25779-2019 and CRM-M-26288-2019 shall stand disposed of.

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.395 dated 16.05.2018 registered under Sections 148, 149, 323, 324, 307, 427,

459, 506, 180, 325, 120-B of the Indian Penal Code ('IPC' for short), at Police Station Civil Lines, Karnal, and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the orders dated 31.05.2019 and 04.07.2019 passed by this Court in both the cases, the parties got their statements recorded before the learned trial court. Consequently, reports dated 14.06.2019 and 04.07.2019 sent by Principal Magistrate, Juvenile Justice Board and Chief Judicial Magistrate, Karnal have been received which are available on record of the case along with the statements 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.

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

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.395 dated 16.05.2018 registered under Sections 148, 149, 323, 324, 307, 427, 459, 506, 180, 325, 120-B of IPC at Police Station Civil Lines, Karnal and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioners only.

Resultantly, with the above-said observations made, both the petitions stand allowed.

31.07.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No