

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIAGRH

CRM-M-9285-2018 (O&M)

Date of Order:01.05.2019

Phangan Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab

ANIL KSHETARPAL, J(Oral)

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.159, dated 02.10.2014, registered under Sections 380/457/436/427/411 of the Indian Penal Code, Police Station Baghapurana, District Moga and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 06.03.2018 passed by this Court, the parties got their statements recorded before the learned Additional District & Sessions Judge, Moga. Consequently, a report dated 18.04.2018 along with statements of the parties sent by the learned Additional District & Sessions Judge, Moga has been received which is available on record of the case. Learned Additional District & Sessions Judge has reported that the parties have effected the compromise without any pressure, coercion, duress, inducement and greed. The compromise effected between the parties is genuine and free from any kind of threat, coercion and undue pressure etc.

Learned counsel for the petitioners is not present.

Learned counsel for the State has submitted that none of the petitioners is 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.159, dated 02.10.2014, registered under Sections 380/457/436/427/411 of the Indian Penal Code, Police Station Baghapurana, District Moga 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.

May 01, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No