

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

**CRM-M-28575-2019 (O&M)
Date of Decision:26.09.2019**

Abdul Kareem Rehman @ Rehman @ Naresh Patel @ Naresh Yadav @
Harmesh Patel and others

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rohan Sharma, Advocate for the petitioners.
Mr.Bhupinder Beniwal, AAG, Punjab.
Mr.Zorawar Singh Chauhan, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

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.73 dated 20.04.2018 registered under Sections 406/420/342/506 of the Indian Penal Code at Police Station, Sadar, Patiala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 16.09.2019 passed by this Court, respondent No.2 is present in the Court. He has been identified by his counsel. Respondent No.2 has tendered his affidavit in the Court to the effect that he has entered into a compromise with the petitioners and compromise arrived at between them is genuine, voluntary and without any coercion or undue influence.

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-3). 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.73 dated 20.04.2018 registered under Sections 406/420/342/506 IPC at Police Station, Sadar, Patiala 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.

26.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No