

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29180-2019 (O&M)
Date of Order:16.09.2019

Gora @ Amritpal Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitin Rathore, Advocate for
Mr. B.S.Bhalla, Advocate, for the petitioners.

Mr. Bhupinder Beniwal, AAG, Punjab

Mr.Karandeep Singh Dargan, Advocate,
for respondent no.2.

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.0083, dated 02.05.2019, registered under Sections 323/34/365 IPC, at Police Station City South, District Moga and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued and the parties were directed to remain present in this Court on the next date of hearing.

Today, although, petitioner no.1 is not present, however, petitioner no.1 is an accused, who has filed this petition on the basis of settlement. Remaining petitioners-accused and Respondent no.2-first informant/injured are present in Court and admit the correctness of

settlement. They are duly identified by their respective counsels. Petitioners-accused no.2, 3 and 4 have filed their respective affidavits in Court today with regard to the compromise/settlement, which are marked as 'A', 'B', and 'C'.

Counsel for the petitioners and counsel for the complainant/respondent no.2 pray that in view of the aforesaid facts, the FIR and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Punjab states that in view of the settlement between the parties, the State would not stand in the way of the settlement and would not oppose the quashing of the FIR and all subsequent proceedings emanating therefrom.

I have heard learned counsel for the parties, perused the affidavits filed by the parties. I am of the considered opinion that the petitioners-accused and the complainant/respondent no.2 have resolved their differences by a bonafide compromise, without any coercion or undue influence. Both the parties acknowledge the settlement/compromise.

In the considered opinion of this Court, 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.0083, dated 02.05.2019, registered under Sections 323/34/365 IPC, at Police Station City South, 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.

September 16, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No