

CRM-M-29439-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-29439-2019 (O&M).
Decided on : September 25, 2019.**

Harjinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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**PRESENT Ms.Monika Thakur, Advocate, for
for the petitioners.**

Mr.S.P.S.Tinna, Addl.A.G., Punjab.

**Ms.Amrita Garg, Advocate,
for complainant – respondent No2.**

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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.66, dated 10.4.2018, registered under Sections 498-A, 406 and 323/34 IPC, at Police Station City, District Moga and the consequential proceedings arising therefrom on the basis of compromise.

On 12.7.2019, while issuing notice of motion, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 7.8.2019 or any other convenient date to the Court to get their statements

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recorded and learned trial Court/Illaq Magistrate was directed to send the report regarding genuineness of compromise on or before the date fixed.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Moga and got their statements recorded. On the basis of the statements so recorded, learned Chief Judicial Magistrate, Moga, has submitted report dated 3.9.2019, duly forwarded through learned District and Sessions Judge, Moga, to the effect that the parties appeared in the Court on 26.8.2019 and suffered statements regarding compromise effected between them. It has been further reported that compromise effected between the parties is voluntary and without any pressure coercion or undue influence.

Counsel for the petitioners and counsel for 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 report submitted by the learned Chief Judicial Magistrate, Moga. I am of the considered opinion that the petitioners-accused and the respondent no.2 have resolved their differences by a bona fide compromise, without any coercion or undue influence.

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.66, dated 10.4.2018, registered under Sections 498-A, 406 and 323/34 IPC, at Police Station City, 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.

(ANIL KSHETARPAL)
JUDGE

September 25, 2019.

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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No