

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30767-2019

Date of Decision:22.08.2019

Bhag Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CRM-M-31909-2019

Puran Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CRM-M-27834-2019

Bhag Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.S.Saggu, Advocate for the petitioners in
CRM-M-30767-2019 and CRM-M-27834-2019.
Mr.SPS Tinna, Addl. Advocate General, Punjab.
Mr.G.S.Dhaliwal, Advocate for the petitioner in
CRM-M-31909-2019 and for private respondents in
CRM-M-30767-2019 and CRM-M-27834-2019.

ANIL KSHETARPAL, J.

In the morning session, when it was brought to the notice of the

Court that all the parties are present and connected petitions bearing Nos.CRM-M-27834-2019 and CRM-M-31909-2019 are listed for 23.08.2019 and 27.08.2019 respectively, hence files thereof were requisitioned.

Learned counsel for the parties pray that since the petitioners as well as the respondents are present, therefore, the aforesaid connected petitions be ordered to be listed for today.

Keeping in view the aforesaid facts that in all the three petitions quashing of FIR have been sought on the basis of compromise and both the parties have no objection in case date of hearing is preponed, therefore, CRM-M-27834-2019 and CRM-M-31909-2019 are preponed to today, i.e. 22.08.2019 for final disposal.

This order shall dispose of all the three above-mentioned petitions bearing numbers CRM-M-30767-2018, CRM-M-27834-2019 and CRM-M-31909-2019 arising out of impugned FIRs and cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.90 dated 08.05.2015 under Sections 307, 323, 447, 511, 506, 148 and 149 IPC and Sections 27 and 54 of the Arms Act and its cross-version case/DDR No.31 dated 09.05.2015 and FIR No.142 dated 23.08.2013 under Sections 447, 434 and 120 IPC registered at Police Station Machhiwara, District Khanna and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

Both the parties are residents of same village. With the intervention of respectables, parties have now settled their dispute. Parties are identified by their respective counsel. They have filed affidavits. It is debatable as to whether offence under Section 307 IPC is made out or not.

In compliance of the orders dated 05.07.2019 and 22.07.2019 passed by this Court in CRM-M-27834-2019 and CRM-M-30767-2019 respectively, the parties got their statements recorded before the learned trial court. Consequently, the report dated 07.08.2019 sent by the learned Judicial Magistrate 1st Class, Samrala, has been received in CRM-M-27834-2019 which is 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.

After going through the reports of the trial court as well as the case files, this Court is of the considered opinion that these are fit cases 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. 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.90 dated 08.05.2015 under Sections 307, 323, 447,

511, 506, 148 and 149 IPC and Sections 27 and 54 of the Arms Act and its cross-version case/DDR No.31 dated 09.05.2015 and FIR No.142 dated 23.08.2013 under Sections 447, 434 and 120 IPC registered at Police Station Machhiwara, District Khanna and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, all these three petitions are allowed.

22.08.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No