IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

264

Date of decision: 28.08.2019

1. CRM-M-30765 of 2019 (O&M)

Kulwant Singh and others **..... Petitioners**

Versus

State of Punjab and another **..... Respondents**

2. CRM-M-31371 of 2019 (O&M)

Amarjit Singh @ Amnba and others **..... Petitioners**

Versus

State of Punjab and others **..... Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Gupta, Advocate
for the petitioners (in CRM-M-30765-2019).
for respondents No.2 and 3 (in CRM-M-31371-2019).

Mr. Vivek Salathia, Advocate
for the petitioners (in CRM-M-31371-2019)
for respondent No.2 (in CRM-M-30765-2019).

Mr. S.P.S. Tinna, Addl. AG, Punjab.

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ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-30765 of 2019 and CRM-M-31371 of 2019 shall stand disposed of.

Petitioners have approached this Court by way of petition(s) under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.98 dated 17.06.2019 under Sections 307, 447, 511, 427, 148, 149, IPC and Sections

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25/27 of the Arms Act, 1959 and its cross-version case/rapat No.13 dated 20.06.2019 under Sections 307 148, 149 IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Gharinda, District Amritsar and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

With the sincere efforts of learned counsel for the parties, the parties had decided to resolve their disputes. Affidavits of first informant and accused persons were filed in this regard which are taken on record. All the parties are present in Court duly identified by their counsels.

Although, the parties are charged with offence under Section 307 of IPC apart from other offences, however, keeping in view the fact that the first informant in the FIR as well as in cross case are real sisters and the dispute is between the family members and through the compromise, the entire litigation comes to an end, therefore, the FIR in question and cross-case are liable to be quashed.

After going through the reports of the trial court as well as the case file, 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

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noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.98 dated 17.06.2019 under Sections 307, 447, 511, 427, 148, 149, IPC and Sections 25/27 of the Arms Act, 1959 and its cross-version case/rapat No.13 dated 20.06.2019 under Sections 307 148, 149 IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Gharinda, District Amritsar and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

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