IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31856 of 2019 (O&M)
Date of Decision :08.11.2019

Kailash Sharma and another

....Petitioners

Versus

UT, Chandigarh and another

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr. Shivender Pal Singh, Advocate for the petitioners

Ms. Aashima Mor, APP for UT, Chandigarh

Mr. K.S.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 complaint bearing No. 302/2019 dated 11.4.2019 under Sections 276 B and 276 C (2) of Income Tax Act and Sections 420, 465, 467, 468, 471, 120-B, 425, 427, 506 IPC at Police Station Sector 36, Chandigarh and all subsequent proceedings arising therefrom on the basis of a settlement.

Notice of motion was issued.

In compliance of order dated 21.8.2019 passed by this Court, both the parties are present in Court, duly identified by their respective counsels. They have filed their respective affidavits in Court today and have admitted the correctness of the compromise as also the settlement arrived at between the parties.

Learned counsel for UT, Chandigarh also does not have any objection.

After hearing the learned counsel for the State 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. 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, complaint bearing No. 302/2019 dated 11.4.2019 under Sections 276 B and 276 C (2) of Income Tax Act and Sections 420, 465, 467, 468, 471, 120-B, 425, 427, 506 IPC at Police Station Sector 36, Chandigarh and all subsequent proceedings arising therefrom are hereby quashed, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

(ANIL KSHETARPAL)
JUDGE

08.11.2019
rekha
Whether speaking/reasoned Yes/No
Whether reportable Yes/No