

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31858 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 FIR No. 82 dated 8.4.2019 registered under Section 403 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 have filed their respective affidavits in Court today. Respondent No.2 is not present. His son, Sh. B.S.Bhalla, who is a practicing lawyer of this Court is present in Court and admits the correctness of the settlement.

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, FIR No. 82 dated 8.4.2019 registered under Section 403 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

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No