

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM-M-31919-2019 (O&M)

Date of decision: 20.08.2019

Rakesh Wahee and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gurcharan Dass, Advocate for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. Sandeep Kumar Rana, 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.151 dated 12.04.2019 registered under Sections 186, 332, 353, 506 and 34 of the Indian Penal Code (for short 'IPC'), at Police Station Ambala City, District Ambala and the consequential proceedings arising therefrom, on the basis of compromise dated 11.07.2019.

During the pendency of the application for pre-arrest bail, the parties choose to settle the matter. The interim protection granted in an application for pre-arrest bail was confirmed vide order dated 11.07.2019 in CRM-M-21608 of 2019. Now the prayer is for quashing of the FIR on the basis of the aforesaid compromise.

Affidavit of the first informant i.e. Sunita Goswami

(complainant) filed in the application for grant of pre-arrest bail has also been attached. Counsel appearing for respondent No.2 admits the correctness of the affidavit as also settlement arrived at between the parties.

After hearing learned counsel for the parties and after going through the 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 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, approved 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.151 dated 12.04.2019 registered under Sections 186, 332, 353, 506 and 34, IPC, Police Station Ambala City, District Ambala and the subsequent 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.

20.08.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No