

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-32827-2019 (O&M)

Date of decision : 31.10.2019

Jatinder Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Garg, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

Mr. Yashveer Kharb, Advocate for

Mr. Hitesh Verma, 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.0379 dated 16.11.2017 registered under Sections 379/34 of IPC (Section 411 of IPC added later on) at Police Station City Barnala, District Barnala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 20.09.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 14.10.2019 along with copy of compromise sent by the learned Chief Judicial Magistrate, Barnala has been received 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.

Learned counsel for the petitioners as well as learned counsel for the State are ad idem that none of the petitioners is proclaimed offender.

After hearing the 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.0379 dated 16.11.2017 registered under Sections 379/34 of IPC (Section 411 of IPC added later on) at Police Station City Barnala, District Barnala and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioners only.

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

31.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No