

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33923-2019 (O&M)
Date of Order:07.11.2019

Harnek Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Amit Arora, Advocate, for the petitioner.

Mr. SPS Tinna, Addl. A.G.,Punjab

Ms. Kuldeep Kaur, Advocate, for
Mr. P.S.Kanwar, Advocate, for respondent no.2.

ANIL KSHETARPAL, J(Oral)

The petitioner has 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.43, dated 06.03.2017, registered under Section 420 of the Indian Penal Code, at Police Station City Tarn Taran, District Tarn Taran and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued and the parties were directed to remain present in this Court on the next date of hearing.

Today, petitioner and Respondent no.2-first informant/injured are present in Court and admit the correctness of settlement. They are duly identified by their respective counsels. Petitioner-accused has already annexed his affidavit as Annexure P-2. Respondent no.2 has filed his

affidavit in Court today with regard to the compromise/settlement, which is marked as 'A'.

Counsel for the petitioner and counsel for the complainant/respondent no.2 pray that in view of the aforesaid facts, the FIR and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Punjab states that in view of the settlement between the parties, the State would not stand in the way of the settlement and would not oppose the quashing of the FIR and all subsequent proceedings emanating therefrom.

After hearing the learned counsel for the parties and 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* and *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.43, dated 06.03.2017, registered under Section 420 of the Indian Penal Code, at Police Station City Tarn Taran, District Tarn Taran and the consequential 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.

November 07, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No