

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

CRM-M-35266-2019

Date of Decision 11.09.2019

Lakha @ Lakhwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Amit Goyal, Advocate for the petitioner.
Mr.SPS Tinna, Addl. Advocate General, Punjab.
Mr.Puneet Pali, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

CRM-27321-2019

Application is allowed. Affidavit of Lakha @ Lakhwinder Singh-petitioner is taken on record.

CRM stands disposed of.

Main case

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.76 dated 24.04.2015 registered under Sections 452, 323, 336, 148, 149, 506 IPC and Sections 25 and 27 of the Arms Act at Police Station, Meharban, District Ludhiana and the consequential proceedings arising therefrom, on the basis of compromise, Annexure P-2 (colly).

Notice of motion was issued.

In compliance of the order dated 28.08.2019 passed by this Court, parties are present in the Court, who are duly identified by their respective counsel. The complainant has tendered his affidavit in the Court. As per affidavits of complainant as well as petitioner, they have resolved their dispute. The compromise arrived at between them is genuine,

voluntary and without any coercion or undue influence.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties 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, Annexure P-2 (colly). 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.76 dated 24.04.2015 registered under Sections 452, 323, 336, 148, 149, 506 IPC and Sections 25 and 27 of the Arms Act and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

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

11.09.2019
mahender/mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No