

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35067-2019 (O&M)
Date of Order:16.09.2019

Mithu Sharma @ Mithu Singh and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Jaspreet Kaur, Advocate, for
Mr. Mohit Garg, Advocate, for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Ravinder Singh, Advocate, for respondent no.2.

ANIL KSHETARPAL, J(Oral)

CRM-28415-2019 &
CRM-28424-2019

Prayer in these applications is for placing on record the affidavits of the parties.

For the reasons mentioned in the applications, the same are allowed and the affidavits are taken on record.

MAIN

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.152, dated 22.10.2017, registered under Sections 308/341/323/201/148/149IPC, at Police Station Moonak, District Sangrur 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, the petitioners-accused and the complainant/respondent no.2 are present, duly identified by their respective counsels. They have filed their respective affidavits with regard to the compromise/settlement.

Counsel for the petitioners 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.

I have heard learned counsel for the parties, perused the affidavits filed by the parties. I am of the considered opinion that the petitioners-accused and the complainant/respondent no.2 have resolved their differences by a bonafide compromise, without any coercion or undue influence. Both the parties acknowledges the settlement/compromise.

In the considered opinion of this Court, 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.152, dated 22.10.2017, registered under Sections 308/341/323/201/148/149IPC, at Police Station Moonak, District Sangrur 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.

September 16, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No