

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

CRM-M-35864-2019

Date of Decision:09.09.2019

Tarlochan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.A.S.Saini, Advocate for the petitioners.
Mr.SPS Tinna, Addl. Advocate General, Punjab.
Mr.K.S.Saini, Advocate for respondents No.2 to 10.

ANIL KSHETARPAL, J.

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.41 dated 09.05.2015 registered under Section 323/325/148/149 of the Indian Penal Code at Police Station, Kathgarh, SBS Nagar and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

FIR under Section 323/325/148/149 IPC was registered on the statement of Kuldip Singh. There was dispute with regard to division of work between two factions in the Truck Operator Union. It is stated that Kuldip Singh has died and his son Satnam Singh has signed the settlement deed.

In compliance of the order dated 29.08.2019, out of 21 petitioners, petitioners No.5 and 18 are absent. On the other hand, except respondent No.4 all remaining respondents are present. Parties are identified by their respective counsel. Both the parties have filed their affidavits, admitting that 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 settlement between the parties.

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). 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.41 dated 09.05.2015 registered under Section 323/325/148/149 of the Indian Penal Code at Police Station, Kathgarh, SBS Nagar and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner(s) only.

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

09.09.2019
Dinesh/mks

(ANIL KSHETARPAL)
JUDGE

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