

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

170

CRM-M-36501-2019 (O&M)

Date of decision: 02.09.2019

Ankush Aggarwal and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S. Rozera, Advocate for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sandeep Malik, 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.474 dated 12.06.2017 registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code (for short 'IPC'), at Police Station Sarai Khawaja, District Faridabad and the consequential proceedings arising therefrom, on the basis of compromise.

In pre-lunch session, learned State counsel was directed to verify the correctness of the settlement between the parties and the case was adjourned to 03.09.2019. However, at 4.10 pm, the request has been made by all the parties that the case will be taken up today itself as the complainant is present.

Learned State counsel, on instructions from Inspector Naresh

Kumar, has reported that the compromise between the parties is genuine. Respondent No.2 along with his counsel are present and he also admits the settlement between the parties.

After hearing 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.474 dated 12.06.2017 registered under Sections 420, 467, 468, 471, 120-B, IPC, Police Station Sarai Khawaja, District Faridabad and the subsequent 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.

02.09.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No