

CRM-M-37475-2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Decided on : September 25, 2019.

(1) CRM-M-37475-2019 (O&M).

Resham Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

**PRESENT Mr.Siddharth Sharma, Advocate, for
for the petitioners.**

Mr.S.P.S.Tinna, Addl. A.G., Punjab.

**Mr.Sanjeev Kumar, Advocate,
for complainant – respondent No.2.**

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(2) CRM-M-37538-2019 (O&M).

Gurnam Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CRM-M-37475-2019 (O&M)

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

*** * ***

**PRESENT Mr.Sanjeev Kumar, Advocate,
for the petitioner.**

Mr.S.P.S.Tinna, Addl. A.G., Punjab.

**Mr.Siddharth Sharma, Advocate
for complainant – respondent Nos.2 to 7.**

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ANIL KSHETARPAL, J. (ORAL)

CRMs-29917 and 29972 of 2019 in CRM-M-37475-2019

For the reasons mentioned in the applications, the same are allowed.

Affidavit of complainant – respondent No.2 as Annexure A1 as also that of petitioners Nos.1 to 6 as Annexures A2 to A7, are permitted to be taken on record.

CRMs-29910 and 29918 of 2019 in CRM-M-37538-2019

For the reasons mentioned in the applications, the same are allowed.

Affidavits of complainant – respondent Nos.2 to 7 as Annexure A1 (Colly) as also that of petitioner as Annexures A2, are permitted to be taken on record.

CRM-M-37475-2019

The petitioners in the above mentioned both the petitions 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.18, dated 2.5.2019, registered under

CRM-M-37475-2019 (O&M)

Sections 323, 341 and 149 IPC, at Police Station Bholath, District Kapurthala as well as DDR No.28, dated 2.5.2019, under Sections 323, 452, 148, 149 and 506 IPC recorded in above said FIR 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 respondent no.2 in CRM-M-37475-2019 as well as petitioners-accused and respondent nos.2 to 7 in CRM-M-37538-2019, are present, duly identified by their respective counsels. Their affidavits have already been permitted to be taken on record.

Counsel for the petitioners and counsel for the respondents in both the petitions pray that in view of the aforesaid facts, the FIR as well as the DDR 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 respondents have resolved their differences by a bona fide compromise, without any coercion or undue influence. Both the parties acknowledge 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.18, dated 2.5.2019, registered under Sections 323, 341 and 149 IPC, at Police Station Bholath, District Kapurthala as well as DDR No.28, dated 2.5.2019, under Sections 323, 452, 148, 149 and 506 IPC recorded in above said FIR 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.

A copy of the order be placed on the file of connected case.

(ANIL KSHETARPAL)
JUDGE

September 25, 2019.
raj arora

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No