

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-38338 of 2019

Date of Decision: September 25, 2019.

Amit and another

.....Petitioners

versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.**

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Present: Mr.Ivneet Singh Pabla, Advocate, for the petitioners.

Mr.Vikas Chopra, DAG, Haryana, for respondent No.1.

Mr.Neeraj Yadav, Advocate, for respondent No.2.

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**Anil Kshetarpal, J.** (Oral)

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.289 dated 10.09.2018, registered under Sections 307/34 IPC and 25/54/59 of Arms Act, at Police Station Line Par Bahadurgarh, District Jhajjar, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued on 10.09.2019 and counsel for the parties were requested to file affidavits before the next date of hearing regarding genuineness, voluntariness of the compromise and that it has been arrived at between the parties without any coercion or undue influence.

In compliance of the order dated 10.09.2019, both the parties have filed their respective affidavits which are taken on record. Both the

parties are present in the Court who have been identified by the respective

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

Although offence under Section 307 IPC is alleged to have committed, however, it is debatable as to whether offence under Section 307 IPC is made out or not. The parties are neighbours residing in the same village. Respondent No.2-first informant-injured is also accused in a different FIR which is also sought to be settled by way of settlement.

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.289 dated 10.09.2018, registered under Sections 307/34 IPC and 25/54/59 of Arms Act, at Police Station Line Par Bahadurgarh, District Jhajjar, and all 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 25, 2019

*mohinder*

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No