

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

CRM-M-38138-2019 (O&M)
Date of decision : 30.09.2019

Balraj Singh @ Raju

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balbir Kumar Saini, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Ram Kumar Saini, Advocate for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

CRM-30427-2019

Application is allowed. Affidavit of petitioner is taken on record.

CRM-30526-2019

Application is allowed. Affidavit of respondent No.2 is taken on record.

Main case

Petitioners has 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.0239 dated 25.11.2018 registered under Sections 323, 326 of IPC (Section 326 of IPC deleted and Section 325 of IPC added later on) at Police Station City South, District Moga and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 09.09.2019 passed by this Court, both the parties are present in the Court, duly identified by their respective counsels. They have filed their respective affidavits in the Court today and admit the correctness of the compromise as also settlement arrived at between the parties.

After hearing the 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.0239 dated 25.11.2018 registered under Sections 323, 326 of IPC (Section 326 of IPC deleted and Section 325 of IPC added later on) at Police Station City South, District Moga and the consequential proceedings arising therefrom, are ordered to be quashed, on the basis of compromise, however, qua the petitioner only.

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

30.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No