

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-39577 of 2019
Date of Decision: September 20, 2019.

Milind Manglani @ Millind Miglani and anotherPetitioners
versus
State of Punjab and anotherRespondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Kunal Vinayak, Advocate, for the petitioners.
Mr.Bhupender Beniwal, AAG, Punjab for respondent No.1.
Mr.Naresh Prabhakar, 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.98 dated 02.05.2014, registered under Sections 279, 427 IPC (Sections 337 and 338 IPC and Section 181 of Motor Vehicles Act were added subsequently), Police Station Sarabha Nagar, Ludhiana City, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued on 17.09.2019 and parties were directed to remain present in the Court on the next date of hearing.

In compliance of the order dated 17.09.2019, both the parties have already filed their respective affidavits. 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.

It is agreed that neither respondent No.2 nor legal representatives of Smt.Nirmal Sahni will have any claim on the amount

awarded vide award dated 14.09.2017 by the learned Motor Accident Claims Tribunal, Ludhiana in MACP No.349 of 2014. The petitioners have already paid Rs.1,00,000/- vide two demand drafts No.949317 and 949318 dated 02.09.2019 of Rs.50,000/- each. Today, the balance amount of Rs.3,50,000/- has been paid through four demand drafts Nos.949342, 949343, 949340 and 949341 dated 18.09.2019 as full and final 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.98 dated 02.05.2014, registered under Sections 279, 427 IPC (Sections 337 and 338 IPC and Section 181 of Motor Vehicles Act were added subsequently), Police Station Sarabha Nagar, Ludhiana City, 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 20, 2019

mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether Reportable

:

Yes/No