

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

CRM-M-40507-2019

Date of Decision:25.09.2019

Lovely and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CRM-M-41048-2019

Shivam Yadav and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Neeraj Madaan, Advocate for the petitioners in
CRM-M-40507-2019 and for respondents No.2 to 7 in
CRM-M-41048-2019.
Mr.Bhupinder Beniwal, AAG, Punjab.
Mr.J.S.Ghuman, Advocate for the petitioners in
CRM-M-41048-2019 and for respondents No. 2 to 7 in
CRM-M-40507-2019.

ANIL KSHETARPAL, J.

This order shall dispose of both the above-mentioned petitions bearing numbers CRM-M-40507-2019 and CRM-M-41048-2019 arising out of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No.6 dated 13.01.2019 registered under Sections 323, 336, 451, 148 and 149 IPC and its cross version case i.e.

DDR No.29 dated 13.01.2019 registered at Police Station Bhargo Camp,

District Police Commissionerate, Jalandhar as well as the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the orders dated 20.09.2019 passed by this Court in CRM-M-40507-2019, both the parties are present in the Court except Raju @ Rajvir, who is one of the petitioner in CRM-M-41048-2019 and respondent No.5 in CRM-M-40507-2019. It is stated that Raju is confined to bed. Both the parties are identified by their respective counsel. The said Raju has also prayed for quashing of the FIR and subsequent proceedings arising therefrom on the basis of settlement. The petitioners as well as complainant except above-said Raju have tendered their affidavits, admitting that the compromise arrived at between them is genuine, voluntary and without any coercion or undue influence.

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

After hearing the learned counsel for the State and going through record of the case, this Court is of the considered opinion that these are fit cases 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.6 dated 13.01.2019 registered under Sections 323, 336, 451, 148 and 149 IPC and its cross version case i.e. DDR No.29 dated 13.01.2019 registered at Police Station Bhargo Camp, District Police Commissionerate, Jalandhar as well as the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, both these petitions stand allowed.

25.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No