

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-43452-2019 (O&M)
Date of Order:21.11.2019

Sukhwinder Singh Walia

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gautam Das, Advocate,
Mr. Govind Chauhan, Advocate and
Mr. Lalit Rana, Advocate
for the petitioner.

Mr. SPS Tinna, Addl. A.G., Punjab

Mr. Anil Bidhan, Advocate
for the first informant.

ANIL KSHETARPAL, J(Oral)

The petitioner 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.79, dated 28.07.2019, registered under Sections 307/451/148/149/120-B IPC, at Police Station Division No.4, Jalandhar and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

Petitioner and the first informant are closely related being cousin brothers. Today, petitioner and Respondent no.2-first informant/injured are present in Court and admit the correctness of settlement. They are duly identified by their respective counsels. Petitioner

and the first informant have filed their separate affidavits in Court today with regard to the compromise/settlement, which are marked as 'A' & 'B'.

Counsel for the petitioner and counsel for the first informant/respondent no.2 pray that in view of the aforesaid facts, the FIR 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.

After hearing the learned counsel for the parties and 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* 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.79, dated 28.07.2019, registered under Sections 307/451/148/149/120-B IPC, at Police Station Division No.4, Jalandhar 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.

November 21, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No