

CRM-M-46011- 2019 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46011- 2019 (O&M)

Date of Decision :14.11.2019

Rajesh @ Khanna and others

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr.S.K.Verma, Advocate for the petitioners

Mr. Anmol Malik, AAG, Haryana

Mr. Mayank Goyal, Advocate for respondent Nos. 2 to 4

ANIL KSHETARPAL, J.(ORAL)

The 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. 191 dated 24.7.2016 registered under Sections 297, 323, 341, 506 IPC at Police Station Sirsa Sadar, District Sirsa and the consequential proceedings arising therefrom on the basis of settlement.

Notice of motion was issued.

In compliance of order dated 29.10.2019 passed by this Court, both the parties are present in Court, duly identified by their respective counsels. They have filed their respective affidavits in Court today and have admitted the correctness of the compromise as also the settlement arrived at between the parties.

Learned State counsel also does not have any objection.

After hearing the learned counsel for the State 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. 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. 191 dated 24.7.2016 registered under Sections 297, 323, 341, 506 IPC at Police Station Sirsa Sadar, District Sirsa 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.

(ANIL KSHETARPAL)
JUDGE

14.11.2019

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No