

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-55785-2018

Date of Decision: 24.04.2019

Gurcharan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CRM-M-55788-2018

Kashmira Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Nemo.

ANIL KSHETARPAL, J.

This order shall dispose of both the above-mentioned petitions bearing numbers CRM-M-55785-2018 and CRM-M-55788-2018, arising out of impugned FIR and its cross-version case/DDR.

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.135 dated 26.09.2014 under Sections 323, 324, 325, 506, 148 and 149 of the Indian Penal Code ('IPC' for short) and its cross-version case/DDR No.29 dated 12.05.2016 under Sections 323, 325, 506, 148 and 149 IPC, registered at Police Station Dehlon, District Ludhiana and the consequential

proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

In compliance of the order dated 18.12.2018 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 08.02.2019 along with copy of compromise sent by the learned Judicial Magistrate 1st Class, Ludhiana, has been received which is available on record of the case along with the statements of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

After going through the report of the trial court as well as the case file, 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**, 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.135 dated 26.09.2014 under Sections 323, 324, 325, 506, 148 and 149 IPC and its cross-version case/DDR No.29 dated 12.05.2016 under Sections 323, 325, 506, 148 and 149 IPC, registered at Police Station Dehlon, District Ludhiana and 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.

24.04.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No