

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49752-2019(O&M)

Date of decision: 02.12. 2019

Rameez Raja alias Monty

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.P.S.Ahluwalia Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. AG, Punjab

Mr.Shaurya Puri, Advocate for respondents No. 2 and 3

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 order dated 4.5.2012 passed by the learned Trial Court to summon the petitioner in exercise of its power under Section 319 Cr.P.C in FIR No. 139 dated 17.7.2009 registered under Sections 307, 326, 323, 324, 450, 427, 380, 148 and 149 IPC at Police Station Sadar Phagwara, District Kapurthala and order dated 9.11.2012 whereby petitioner was declared proclaimed offender, on the basis of compromise.

The petitioner was summoned as an additional accused under Section 319 Cr.P.C by the Trial Court vide order dated 4.5.2012. Co-accused of the petitioner who was also summoned as additional accused, lay challenge to the correctness of the aforesaid order and the same was set aside vide order dated 13.12.2012 (Annexure P-4) only qua him. Petitioner was

declared proclaimed offender as the Constable who went to serve reported that petitioner has immigrated overseas. The first informant/injured and his son entered into a settlement with the remaining accused on 26.5.2014. Pursuant thereto criminal prosecution against remaining accused was quashed vide order dated 7.4.2015 passed in CRM-M-19481-2014.

Notice of motion was issued.

In compliance of order dated 25.11.2019 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, order dated 4.5.2012 passed by the learned Trial Court to summon the petitioner in exercise of its power under Section 319 Cr.P.C in FIR No. 139 dated 17.7.2009 registered under Sections 307, 326, 323, 324, 450, 427, 380, 148 and 149 IPC at Police Station Sadar Phagwara, District Kapurthala and order dated 9.11.2012 whereby petitioner was declared proclaimed offender, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

02.12. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No