

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50485-2019(O&M)

Date of Order:10.12.2019

Kuldeep Singh and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurjinder Singh Thind, Advocate, for the petitioners.

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

Mr. Sarabjit Singh, Advocate,
for respondents no.2 and 3.

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 Complaint No.249, dated 27.04.2013, filed under Sections 326/324/323/148/149 IPC in the Court of Ld. Judicial Magistrate Ist Class, Amritsar and the consequential proceedings arising therefrom on the basis of compromise.

Notice of motion was issued.

Today, petitioners and Respondent nos.2 and 3 are present in Court and admit the correctness of settlement. They are duly identified by their respective counsels. Petitioners and Respondent nos.2 and 3 have filed their affidavits in Court today with regard to the compromise/settlement, which is marked as 'A', 'B', 'C', 'D', 'E' and 'F'.

Counsel for the petitioners and counsel for respondent nos.2 and 3 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, Complaint No.249, dated 27.04.2013, filed under Sections 326/324/323/148/149 IPC in the Court of Ld. Judicial Magistrate Ist Class, Amritsar 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.

December 10, 2019

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No