

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-4137 of 2018
Date of Decision: September 17, 2019.

Ravinder @ Monu and anotherPetitioners
versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Parminder Singh, Advocate, for the petitioner.
Mr.Vikas Chopra, DAG, Haryana.

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Anil Kshetarpal, J. (Oral)

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.530 dated 16.05.2017, registered under Sections 379 & 420 IPC at Police Station Karnal City, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 27.07.2018, parties were directed to appear before the Trial Court on 29.08.2018 for getting their statements recorded with regard to the compromise arrived at between them.

In compliance of the order dated 127.07.2018, learned Chief Judicial Magistrate, Karnal, has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“It is further humbly submitted that as per the statements of the parties, the compromise is genuine and voluntary in nature. Both the petitioners are on bail and have appeared before the Court. As per the statement of ASI Jaipal, Investigating Officer, two other cases bearing FIR No.245/2017 and 412/2017 registered in Police Station City are pending against the petitioners.”

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties 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 (Annexure P-2). 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.530 dated 16.05.2017, registered under Sections 379 & 420 IPC at Police Station Karnal City, and all 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.

September 17, 2019
mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No