

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61473-2018
Date of Decision:30.04.2019

Naresh Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondent(s)

CRM-M-57284-2018

Gurwinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms.Neha Jain, Advocate for the petitioners in
CRM-M-61473-2018 and for respondent No.2 in
CRM-M-57284-2018.

Mr.Bhupinder Beniwal, AAG, Punjab.

Mr.Naresh Kumar, Advocate for the petitioners in
CRM-M-57284-2018 and for respondents No.2 and 3 in
CRM-M-61473-2018

ANIL KSHETARPAL, J.

This order shall dispose of both the above-mentioned petitions
bearing numbers CRM-M-57284-2018 and CRM-M-61473-2018, arising
out of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petition(s) under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.0265 dated 11.08.2018 under Sections 323, 324, 34 and Section 295-A of the Indian Penal Code ('IPC' for short) was added later on vide DDR No.041 dated 20.08.2018 and its cross-version case/DDR No.37 dated 11.08.2018 under Sections 323, 451, 34 IPC registered at Police Station Shimlapuri, 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 19.12.2018 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, the reports dated 22.01.2019 along with copy of compromise sent by the learned Judicial Magistrate 1st Class, Ludhiana, have been received in both the cases, which are 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 these are fit cases 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.0265 dated 11.08.2018 under Sections 323, 324, 34 and Section 295-A IPC was added later on vide DDR No.041 dated 20.08.2018 and its cross-version case/DDR No.37 dated 11.08.2018 under Sections 323, 451, 34 IPC registered at Police Station Shimlapuri, 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 are allowed.

30.04.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No