

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

213(1)

**CRM-M-19152-2020 (O&M)
Date of Order:17.08.2020**

JAIBIR AND OTHERS

..Petitioners

Versus

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Kumar, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana

Mr. Akshay Bansal, Advocate, for the complainant.

ANIL KSHETARPAL, J(Oral)

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking inherent jurisdiction for quashing of FIR No.689, dated 06.11.2016, registered under Section 148/149/323/506 of the Indian Penal Code, at Police Station Kalanaur, District Rohtak and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order dated 17.07.2020 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 07.08.2020 along with statements of the parties sent by the learned Judicial Magistrate first Class, Rohtak has been received which is available on record of the case. Learned Magistrate has reported that the parties have compromised the matter voluntarily and without any undue influence or pressure. The learned counsel for the parties also admit the genuineness of the compromise.

Learned counsel for the petitioners as well as learned counsel for the State are ad idem that none of the petitioners is proclaimed offender.

After hearing 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, FIR No.689, dated 06.11.2016, registered under Section 148/149/323/506 of the Indian Penal Code, at Police Station Kalanaur, District Rohtak 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.

August 17, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No