

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

CRM No.M-27492 of 2020 (O&M)

Date of Decision: October 29, 2020

Harbans Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr.S.P.S.Tinna, DAG, Punjab
for the respondent-State.

Mr.Ramesh Sharma, Advocate
for respondent No.2.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making prayer for quashing of FIR No.187 dated 07.07.2018, under Sections 323 and 325 IPC, registered at Police Station City Jagraon, District Ludhiana and all subsequent proceedings arising therefrom, on the basis of compromise.

On 11.09.2020, notice of motion was issued and parties were directed to appear before the Trial Court/Illaq Magistrate and and get their

statements recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

In compliance of the order dated 11.09.2019, learned Sub Divisional Judicial Magistrate, Jagraon has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“After going through the statements of the parties, this Court is satisfied that respondent No.2 namely Kuldeep Singh has effected compromise with petitioner Harbans Singh with his own free will and without any coercion or pressure from any corner and same is found to be genuine.”

After hearing the learned counsel for the parties and also 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 settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made without any pressure or undue influence on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon ***“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 aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.187 dated 07.07.2018, under Sections 323 and 325 IPC, registered at Police Station City Jagraon, District Ludhiana and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

October 29, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No