

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

Sr. No.208

**CRM-M-27218-2020
Date of Decision: 29.10.2020**

PAREKSHET KAPILA AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Bhupinder Ghai, Advocate, and
Mr. Mohit Kakkar, Advocate,
for the petitioners.

Mr. Kiran Pal Rana, Advocate,
for the complainant.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of 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. 49 dated 17.03.2020, under sections 420, 465, 467, 468, 471, 120-B IPC registered at DLF Phase-2 Police Station, Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

On 10.09.2020, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate 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 10.09.2020, learned Additional Chief Judicial Magistrate, Gurugram, has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“(i) There are two accused persons arrayed in the present case namely, Parekshet Kapila and D.K. Kapila.

(ii) The accused above named never have been declared proclaimed offenders.

(iii) The compromise effected between the parties is genuine, voluntarily and without any coercion and undue influence.

(iv) No accused person has ever been involved in any other case.”

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. 49 dated 17.03.2020, under sections 420, 465, 467, 468, 471, 120-B IPC registered at DLF Phase-2 Police Station, Gurugram and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

29.10.2020
Himanshu

Whether speaking/reasoned	Yes
Whether reportable	No