

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

CRM-M-27224-2020

Date of Decision: 12.10.2020

Satish Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Vinod K. Kataria, Advocate for the petitioners.

Mr. H. S. Sullar, DAG, Punjab.

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

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

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.51 dated 07.03.2015 registered under Sections 323, 324, 341, 506, 148, 149 of the Indian Penal Code at Police Station, Sohana, District SAS Nagar and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

Vide order dated 10.09.2020 passed by this Court, the parties were directed to appear before the trial Court to record their statements with regard to genuineness of the compromise and send a report to this Court. The report dated 17.09.2020 of the Judicial Magistrate Ist Class, SAS Nagar (Mohali) has been received, wherein it is stated that in pursuance of the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine, without any

coercion or undue influence.

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.51 dated 07.03.2015 registered under Sections 323, 324, 341, 506, 148, 149 of the Indian Penal Code at Police Station, Sohana, District SAS Nagar 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.

(SANT PARKASH)
JUDGE

12.10.2020
mks

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