

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 29321 of 2020

Date of Decision: 30.10. 2020

Shamsher Singh

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parminder Singh, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for respondent No.1.

Mr. Sukhdeep Singh, Advocate
for respondent No.2.

Anil Kshetarpal, J.

The petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.392 dated 10.10.2018, registered under Section 420 & 406 IPC, at Police Station Nissing, District Karnal and the consequential proceedings arising therefrom, on the basis of compromise dated 10.09.2020 (Annexure P2).

Notice of motion was issued.

In compliance of the order dated 23.09.2020 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report along with the copy of compromise sent by the learned Judicial Magistrate First Class, Karnal has been received which is available on record of the case along with the statements of the parties. Learned Judicial 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 and is not a result of

any pressure or coercion.

Learned counsel for the petitioner as well as respondent no.2 have jointly stated that the parties have settled their dispute.

After hearing the learned counsel for the parties and after 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*, approved 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, the present petition is allowed and FIR No.392 dated 10.10.2018, registered under Section 420 & 406 IPC, at Police Station Nissing, District Karnal and the consequential proceedings arising therefrom are hereby quashed, however, qua the petitioner only.

(Anil Kshetarpal)
Judge

October 30, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No