

235 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-29304-2020(O&M)

Date of decision: 30.10.2020

Soma Singh @ Shoma and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Hitesh Verma, Advocate for the petitioners

Ms. Samina Dhir, DAG, Punjab

Ms. Amarinder Kaur, Advocate for the private respondents

ANIL KSHETARPAL, J. (ORAL)

The 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.28 dated 29.2.2020 registered under Section 458, 427, 323, 148, 149, IPC at Police Station, Tappa Mandi, District Barnala and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 23.9.2020, passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 16.10.2020, along with copy of compromise, sent by the learned Judicial Magistrate First Class, Barnala has been received which is available on record of the case along with

the statements of the parties. Learned Judicial Magistrate First Class, Barnala 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 the 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 as noted above, coupled with the reasons afore-mentioned and to secure the ends of justice, FIR No.28 dated 29.2.2020 registered under Section 458, 427, 323, 148, 149, IPC at Police Station, Tappa Mandi, District Barnala and the consequential proceedings arising therefrom are hereby quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

30.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No