

(265)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27469-2019 (O&M)

Date of decision : 06.02.2020

Dalvir Singh @ Soni and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Narinder Singh Dadwal, Advocate
for the petitioners.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

Mr. Ravi Malhotra, Advocate
for respondent No.2.

VIVEK PURI, J. (Oral)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0112 dated 06.07.2017 under Sections 341, 324, 294, 506, 148, 149 IPC registered at Police Station Hathur, Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 20.06.2019 (Annexure P-2).

On 01.07.2019, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate/duty Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The Illaqa Magistrate/duty Magistrate was directed to record the statements of all the concerned and sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 01.07.2019, learned Judicial Magistrate 1st Class, Jagraon has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“i) From the statements so suffered by parties, compromise effected between the parties is found to be genuine.

ii) As reported by Ahlmad concerned, no accused has put appearance before this court nor any bail application has been presented in subject cited case before this court. Except FIR, no paper is pending against accused in subject cited matter.

iii) Except the present FIR, no other case is reported to be pending in this Court.”

After hearing learned counsel for the parties and 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 a settlement, out of the Court, by way of compromise/affidavit (Annexure P-2). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 0112 dated 06.07.2017 under Sections 341, 324, 294, 506, 148, 149 IPC registered at Police Station Hathur, Ludhiana Rural and all the consequential proceedings arising therefrom are quashed.

(VIVEK PURI)
Judge

06.02.2020
Pardeep

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No