

CRM-M-30249-2019(O&M)

Date of decision: 17.01.2020

KARAM PAL SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajinder Kantiwal, Advocate
for the petitioners.

Ms. Jasleen Kaur, AAG, Punjab.

Mr. Kuldeep Singh, Advocate
for respondent Nos.2 to 9.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of DDR No. 42 dated 25.02.2019, under sections 325, 323, 148, 149 IPC registered at Police Station Sadar, Abohar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.07.2019, notice of motion was issued and parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court 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 29.08.2019, learned Judicial Magistrate 1st Class, Abohar has recorded the statements of the parties and

submitted his report, the relevant para whereof reads as under:-

“ The petitioners/accused as well as complainant named above in their respective statements have stated that now the matter has been compromised between them without any pressure, coercion and with their free will. So, in view of the statements of complainant as well as accused, it is quite evident that the compromise has been effected between the complainant and accused voluntarily, without any threat or coercion or undue influence and appears to be valid and genuine”.

It has been stated by the learned counsel for the petitioner that Ramandeep Singh respondent No.2 has sustained injuries and cross-version case has been recorded in the DDR on the basis of his statement. It has been further stated that the FIR No.0025 dated 06.04.2019 registered under Sections 325, 323, 148, 149 IPC at Police Station, Abohar with regard to the same occurrence against respondent Nos.2 to 9 has already been quashed by a Co-ordinate Bench of this Court in case **CRM-M-29790-2019 titled as Ramandeep Singh and others Vs State of Punjab and others** vide order dated 16.10.2019.

After hearing the 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 an settlement, out of the Court, 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, DDR No. 42 dated 25.02.2019, under sections 325, 323, 148, 149 IPC registered at Police Station Sadar, Abohar and all 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.

17.01.2020
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(VIVEK PURI)
JUDGE

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