

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

239

CRM-M-39014-2019

Date of decision : 07.01.2020

Amit and others

... Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE VIVEK PURI

Present : Mr.Amit Gupta, Advocate
for the petitioners.

Mr.Rajesh Bhardwaj, Sr. DAG, Punjab.

Mr.Sutikshan Sharma, Adovcate
for respondent No.2.

Vivek Puri, J. (Oral)

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.109 dated 25.11.2017, registered under Sections 324, 506, 148, 149 IPC, Police Station Kotwali, Nabha Patiala, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued vide order dated 13.09.2019 and parties were directed to appear before the Trial Court/Illaqa Magistrate on 26.09.2019 for getting their statements recorded with regard to the compromise arrived at between them.

In compliance of the order dated 13.09.2019, learned Judicial Magistrate, 1st Class, Kharar has recorded the statements of the parties and submitted a report, the relevant para whereof reads as under:-

“From the statements of the complainant Ravi Kumar as well as accused Amit, Nannu @ Karan and Shambu @ Shubam and HC Gursewak Singh investigating officer, this Court is satisfied that the parties have suffered the statements voluntarily and without any pressure and coercion and compromise effected between the parties is genuine, voluntarily and without any coercion and 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.109 dated 25.11.2017, registered under Sections 324, 506, 148, 149 IPC, Police Station Kotwali, Nabha Patiala, 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.

[VIVEK PURI]
JUDGE

07.01.2020

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