

**270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-39913-2019
Date of Decision: 22.01.2020**

Vijay Kumar @ Tinna and others

... Petitioners

v/s

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikram Singh Kang, Advocate for
Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioners.

Ms. Ishita Aggarwal, Advocate for
Mr. Shaurya Puri, Advocate
for respondent No.2.

Mr. Rajesh Bhardwaj, Sr. DAG Punjab.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.130 dated 09.08.2019 registered under Sections 364, 379, 323, 341, 405 and 120-B of IPC, 1860 at Police Station Lalru, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.09.2019, notice of motion was issued and parties were directed to appear before the Trial Court 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 18.09.2019, learned Judicial

Magistrate 1st Class, Dera Bassi has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“Statements of complainant Jaswinder Singh and accused persons namely Vijay Kumar @ Tinna, Ravinder Kumar @ Ravi, Virender Singh, Sonu @ Raju, Vijay Kumar, Rohit and Mandeep @ Sandeep wer recorded and following report is submitted:-

- (1) The matter has been compromised between the parties voluntarily and out of their free will and consent and without any pressure or undue influence.*
- (2) Accused are on bail.*
- (3) No accused is facing trial/investigation/enquiry in any other criminal case, as per record.*
- (4) Only victim is complainant Jaswinder Singh who has entered into compromise with accused persons.”*

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. 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. 130 dated 09.08.2019 registered under Sections 364, 379, 323, 341, 405 and 120-B of IPC, 1860 at Police Station Lalru, District SAS Nagar and all the consequential proceedings arising therefrom are quashed qua petitioners only.

22.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No