

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

**CRM-M-41464-2019
Date of Decision: 31.01.2020**

Paramjit Singh @ Pamma and others ... Petitioners

v/s

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

Mr. Nipun Gupta, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 96 dated 29.05.2017, under sections 379/323/506/148/149 of Indian Penal Code, 1860 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Nehianwala, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise dated 23.07.2019 (Annexure P-2).

On 26.09.2019, 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 26.09.2019, learned Addl. Sessions Judge, Bathinda has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“It is respectfully submitted that in compliance with the order of the Hon'ble High Court dated 26.9.2019, the statements of parties namely Vinod Kumar complainant, Paramjeet Singh, Gurpreet Singh and Kuljinder Singh accused were recorded by this Court on 29.10.2019 regarding the compromise. In their respective statements, the petitioner-accused as well as respondent/complainant admitted the genuineness and authenticity of the compromise effected between the parties. The petitioner as well as respondents have categorically stated on oath in court that the compromise has been effected with the intervention of the respectables, without any sort of pressure or coercion or undue influence. From the statements of the parties, it transpires that the compromise has been effected between the parties without any pressure, coercion or undue influence. The parties placed on file photo copy of the compromise as Mark 1.”

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 (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. 96 dated 29.05.2017, under sections 379/323/506/148/149 of Indian Penal Code, 1860 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Nehianwala, District Bathinda and all the consequential proceedings arising therefrom are quashed qua petitioners only.

31.01.2020

Janki

**(VIVEK PURI)
JUDGE**

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