

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

CRM-M-43763-2019

Date of Decision: 22.01.2020

Gurpreet Singh @ Gaggi @ Gurprit Singh and others

... Petitioners

v/s

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

**Present: Mr. Vishal Sharma, Advocate
for the petitioners.**

**Mr. Vikram Bali, Advocate
for respondent No.2.**

Mr. Rajesh Bhardwaj, Sr. DAG Punjab.

*** * ***

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 238 dated 13.12.2018, under sections 323, 324, 34 IPC and Section 326 IPC (added later on) registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise dated 03.10.2019 (Annexure P-2).

On 16.10.2019, 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 16.10.2019, learned Sub

Divisional Judicial Magistrate Garhshankar has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“(1) After going through the statements of the parties and of the IO ASI Ashok Kumar, it percolates that only five persons have been arrayed as accused in the FIR by the complainant (They are the five petitioners in this case).

(2) None of the accused persons has been declared proclaimed offender.

(3) After going through the statements of the parties and on asking the parties, it is crystallized that the compromise has been arrived at genuinely and is made voluntarily without any pressure of coercion.

(4) Accused/petitioner are not involved in any other FIR except the present case.

(5) In his statement of I.O/ASI Vasdev submitted that there is only one complainant Avtar Singh S/o Chhota Singh R/o village Barapur P.O Kot Maira P.S Garhshankar who is also the sole victim in the present FIR.”

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. 238 dated 13.12.2018, under sections 323, 324, 34 IPC and Section 326 IPC (added later on) registered at Police Station Garhshankar, District Hoshiarpur 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