

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH243

CRM-M-46684-2019

Date of decision : 07.01.2020

Vikas Bhargav

... Petitioner

Versus

Mukesh and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE VIVEK PURI

Present : Mr.Parminder Singh, Advocate
for the petitioner.
Mr.Sukhdeep Singh, Advocate for the respondent No.1.
Mr.Parveen Aggarwal, DAG, Haryana.

Vivek Puri, J. (Oral)

Petitioner has 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.82 dated 12.03.2018, registered under Sections 406, 420, 506 IPC, at Police Station Nissing, District Karnal, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued on 02.11.2019 and counsel for the parties were requested to file affidavits before the trial Court regarding genuineness, voluntarily of the compromise and that it has been arrived at between the parties without any coercion or undue influence.

In compliance of the order dated 02.11.2019 passed by this Court, both the parties had filed their affidavits and got recorded their statements before the learned Judicial Magistrate 1st Class, Karnal. A report of the Judicial Magistrate 1st Class, Karnal has been received which indicates that the matter has been compromised between the parties with their free consent and without any coercion or undue influence from any

quarter.

Reply on behalf of respondent No.2-State filed in the Court is taken on record.

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.82 dated 12.03.2018, registered under Sections 406, 420, 506 IPC, at Police Station Nissing, District Karnal, and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed

[VIVEK PURI]
JUDGE

07.01.2020

sd

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No