

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

**CRM-M-51290-2019
Date of Decision: 28.01.2020**

Gurwinder Singh @ Lamber and others

... Petitioners

v/s

State of Punjab and another

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dinesh Nagar, Advocate
for the petitioners.

Ms. Jasleen Kaur, AAG, Punjab.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0077 dated 21.05.2019 under Sections 323, 324, 341, 427, 148, 149 and 120-B of the IPC, registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise dated 07.11.2019 (Annexure P-2).

On 02.12.2019, 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 02.12.2019, learned Judicial Magistrate 1st Class, Garhshankar has recorded the statements of the parties

and submitted her report, the relevant para whereof reads as under:-

“(1) 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.

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

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. 0077 dated 21.05.2019 under Sections 323, 324, 341, 427, 148, 149 and 120-B of the IPC, registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom are quashed qua petitioners only.

28.01.2020

Janki

(VIVEK PURI)
JUDGE

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