

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.216

CRM-M-25568-2021

Date of Decision:14.12.2021

Lucky and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CRM-M-23571-2021

Naman Luthara and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. T.N. Sarup, Advocate
for the petitioners in CRM-M-25568-2021 and
for respondents No.2 and 3 in CRM-M-23571-2021.

Mr. J.S. Gill, Advocate,
for the petitioners in CRM-M-23571-2021 and
for respondents No.2 to 5 in CRM-M-25568-2021.

Mr. Tanvir Joshi, AAG, Punjab.

[The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual court.]

SANT PARKASH, J.

This order shall dispose of both the above-mentioned petitions
bearing numbers CRM-M-25568-2021 and CRM-M-23571-2021 arising out
of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petitions
under Section 482 of the Code of Criminal Procedure invoking its inherent
jurisdiction for quashing of FIR No.116 dated 12.05.2020 registered under

Sections 325/452/323/34 IPC and its cross version case, i.e. GD No.020 dated 14.05.2020 under Sections 325/452/323/34 IPC at Police Station City Batala, Police District Batala as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion in both the cases, this Court directed both the parties to appear before the trial Court to record their statements with regard to genuineness of the compromise arrived at between them and the learned trial Court was directed to send a report in this regard. In pursuance of the said order, separate reports in both the cases have been received from the Sub Divisional Judicial Magistrate, Batala, which are attached with the files, stating therein that the statements of the parties were recorded which indicate that the compromise is genuine, without any coercion or undue influence.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that these are the fit cases 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.

Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the Hon'ble Supreme Court in *Narinder Singh and others vs. State of*

Punjab and another, (2014) 6 SCC 466, both the aforementioned petitions are allowed. Resultantly, FIR No.116 dated 12.05.2020 registered under Sections 325/452/323/34 IPC and its cross version case, i.e. GD No.020 dated 14.05.2020 under Sections 325/452/323/34 IPC at Police Station City Batala, Police District Batala as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

14.12.2021
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO