

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

SR. No.223

**CRM-M-30446-2021 (O&M)
Date of Decision:16.12.2021**

Manish alias Denu and others**...Petitioners****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Dev Kaushik, Advocate,
for the petitioners.

Mr. Amreek Singh Narwal, DAG, Haryana.

Mr. Ankur Dua, Advocate
for respondent No.2.

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

SANT PARKASH, J.

Petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No.278 dated 17.12.2019 registered under Sections 307, 34 and 120-B IPC and Section 25 of the Arms Act at Police Station Sector-6, Bahadurgarh, District Jhajjar as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion on 02.08.2021, this Court directed both the parties to appear before the trial Court to record their statements with regard to genuineness of the compromise and the learned trial Court was directed to send a report to this Court in this regard. The report dated 07.10.2021 of Civil Judge (Jr. Division)-cum-Judicial Magistrate 1st Class, Bahadurgarh has been received, wherein it is stated that in pursuance of the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine, without any coercion or undue influence.

So far as the allegation under Section 307 IPC against

petitioner No.1 is concerned, it is pointed out by the learned counsel for the petitioners that as per the FIR, the gun shots allegedly fired by petitioner No.1 did not hit any member of the complainant party.

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 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.

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*, the present petition is allowed. Resultantly, FIR No.278 dated 17.12.2019 registered under Sections 307, 34 and 120-B IPC and Section 25 of the Arms Act at Police Station Sector-6, Bahadurgarh, District Jhajjar as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

16.12.2021
mks

(SANT PARKASH)
JUDGE

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