

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.123+218

CRM-M-27267-2019(O&M)

Date of Decision:23.12.2021

Amarjeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CRM-M-49682-2019

Gurjant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Harpal Singh, Advocate
for respondent No.2.

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SANT PARKASH, J.

CRM-44313-2021 in CRM-M-27267-2019

This is an application for preponement of date of hearing of the
main petition from 17.03.2022 to some early date.

Notice of the application.

Mr. Tanvir Joshi, AAG, Punjab, accepts notice on behalf of the
respondent-State.

Heard.

The present application is allowed. The date of hearing of the main petition is preponed from 17.03.2022 to today.

Main case

This order shall dispose of both the above-mentioned petitions arising out of impugned FIR.

Petitioners have approached this Court by way of instant petitions under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No.109 dated 22.11.2018 registered under Sections 420/120-B IPC at Police Station Sadar Kotkapura-, District Faridkot as well as the consequential proceedings arising therefrom, on the basis of affidavit/compromise (P-2).

While issuing notice of motion on 26.06.2019 in CRM-M-27627-2019, 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 08.07.2019 of the Chief Judicial Magistrate, Faridkot 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.

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 affidavit/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 these petitions are allowed. Resultantly, FIR No.109 dated 22.11.2018 registered under Sections 420/120-B IPC at Police Station Sadar Kotkapura-, District Faridkot as well as the consequential proceedings arising therefrom are quashed qua the petitioners, namely, Amarjeet Singh and Gurjant Singh.

23.12.2021
mks

(SANT PARKASH)
JUDGE

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