

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

Sr. No.207

**CRM-M-31597-2020
Date of Decision: 22.01.2021**

NIRMAL SINGH @ TITU AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Rajat Dogra, Advocate,
for respondents No.2-complainant.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making prayer for quashing of FIR No.178 dated 29.08.2020 under sections 307, 34 of Indian Penal Code and Section 25/27 of Arms Act, registered at Police Station Sangat, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.

On 08.10.2020 notice of motion was issued and parties were directed to appear before the Illaqa Magistrate/Duty Magistrate and get their statements recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

In compliance of the order dated 08.10.2020, learned Judicial Magistrate Ist Class, Bathinda, has recorded the statements of the parties and submitted his report, the relevant paragraph whereof reads as under:-

“ XXXX XXXX XXX

3. In the given circumstances and from the statement of the parties, this Court is satisfied that the parties mentioned above have recorded their statements before the Court voluntarily and without any pressure and that they have entered into the compromise voluntarily and without any pressure or coercion of any manner and the compromise is genuine.”

After hearing the learned counsel for the parties and also 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 an settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made, without any pressure or undue influence, on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “*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 aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.178 dated 29.08.2020 under sections 307, 34 of Indian Penal Code and Section 25/27 of Arms Act, registered at Police Station Sangat, District Bathinda and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

22.01.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No