

216

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

CRM-M-46193-2021

Date of Decision:01.12.2021

Harbhajan Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Yajur Sharma, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Akur Sheemar, 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.160 dated 25.12.2010 registered under Sections 341/323/324/34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Ajnala, District Amritsar Rural as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion on 02.11.2021, the parties were directed to appear before the trial Court to record their statements with regard to genuineness of the compromise and send a report to this Court.

The report dated 23.11.2021 of Sub Division Judicial Magistrate, Ajnala

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 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.160 dated 25.12.2010 registered under Sections 341/323/324/34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Ajnala, District Amritsar Rural as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

01.12.2021
mks

(SANT PARKASH)
JUDGE

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