

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

CRM No.M-43673 of 2020 (O&M)

Date of Decision: January 21, 2021

Balbir Ram and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Manjinder Singh Saini, Advocate,
for the petitioners.

Mr.H.S.Multani, AAG, Punjab
for the respondent-State.

Mr.Jaskamal Singh Grewal, Advocate
for respondent No.2.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the 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.0120 dated 20.10.2018, under Sections 324, 354-A, 148 and 149 IPC, registered at Police Station Mahilpur, District Hoshiarpur and all subsequent proceedings arising therefrom, on the basis of compromise.

On 23.12.2020, notice of motion was issued and parties were

directed to appear before the Illaqa Magistrate/Trial Court/Duty Magistrate and 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 23.12.2020, learned Judicial Magistrate Ist Class, Garhshankar, has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“So, as per the statement suffered by the all accused and complainant they have compromised the matter, voluntarily, without any coercion or undue influence and compromise is genuine one.”

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. Moreover, the parties are residents of same village and thus, arrival of the compromise shall remove bitterness existing between them, on account of initiation of criminal proceedings and shall give quietus to the dispute between them.

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.0120 dated 20.10.2018, under Sections 324, 354-A, 148 and 149 IPC, registered at Police Station Mahilpur, District Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

January 21, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No