

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

SR. No.213

CRM-M-3405-2021

Date of Decision:08.02.2022

Lovepreet Singh

...Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Manoj R. Sharma, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Sandeep Sharma, 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.

Petitioner has 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.02 dated 05.01.2019 registered under Sections 323, 324 and 34 IPC at Police Station Dhariwal, District Gurdaspur as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion on 27.01.2021, 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.

On 22.12.2021, while preponing the matter, the explanation of the concerned officer was sought for not sending the report in terms of the order dated 27.01.2021 passed by this Court.

In compliance of the order dated 22.12.2021, explanation dated 05.01.2022 of the Judicial Officer concerned has been received, which is satisfactory.

From the perusal of report dated 11.02.2021 as well as explanation dated 05.01.2022, it would reveal that the statements of the parties were recorded which indicate 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.02 dated 05.01.2019 registered under Sections 323, 324 and 34 IPC at Police Station Dhariwal, District Gurdaspur as well as the consequential proceedings arising therefrom are quashed qua the petitioner.

08.02.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO