

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

220

CRM-M-3584-2021

Date of decision : 15.02.2022

SAGAR @ SAGAR KUMAR

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent No. 1/State.

Dr. Rabia Gund, Advocate
for respondent No. 2.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

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. 318 dated 15.09.2020 registered under Section 379 of the Indian Penal Code, 1860 (for short 'the IPC') registered at Police Station Jandiala, Amritsar Rural as well as the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3) arrived at between the parties.

Vide order dated 27.01.2021, the parties were directed to appear before the trial Court to record their statements with regard to the compromise and send a report to this Court with regard to the

genuineness of the compromise. The report dated 19.02.2021 of learned Judicial Magistrate First Class, Amritsar has been received, wherein it is stated that apart from the present petitioner, there are two other persons namely Ravi and Chand who have nominated as an accused in the present FIR. The matter has been compromised by respondent No. 2 only with the present petitioner-Sagar @ Sagar Kumar and no compromise has been effect with the other two accused persons namely Ravi and Chand.

It has been further submitted in the report 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.

Learned Counsel for the petitioner has relied upon judgments passed by Co-ordinate Benches of this Court in **CRM-M-6628-2019** titled as '**Mukhwinder Singh and another Vs. State of Punjab and another**' decided on **16.05.2019** ; **CRM-M-26644-2021** titled as '**Gurmej Singh and another Vs. State of Punjab and another**' decided on **24.09.2021**; **CRM-M-28616-2020** titled as '**Rishab Singla and another Vs. State of Punjab and another**' decided on **29.10.2020** ; **CRM-M-37395-2016** titled as '**Rajinder Singh Vs. State of Punjab and another**' decided on **16.05.2017** and **CRM-M-50696-2018** titled as '**Mohit Kumar and another Vs. State of Haryana and others**' dediced on **05.02.2019** whereby settlement/compromise was effected between the complainant and one

of the accused person and the proceedings qua the said accused person was quashed.

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-3). The compromise effected between the present petitioner and complainant/respondent No.2 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** and also the above referred judicial precedents wherein this Court has allowed partial quashing, the present petition is allowed.

Resultantly, FIR No. 318 dated 15.09.2020 registered under Section 379 of the IPC registered at Police Station Jandiala, Amritsar Rural, as well as the consequential proceedings arising therefrom are quashed qua the present petitioner only, on the basis of compromise arrived at between the parties.

15.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No