

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

SR. No.262

CRM-M-5413-2022

Date of Decision:05.04.2022

Rajan Makhija

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Karan Vir Nanda, Advocate,
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

Mr. Ashish Gupta, Advocate
for respondent No.2-complainant.

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.0025 dated 21.01.2018 registered under Sections 420/120-B IPC at Police Station City Ferozepur as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion on 10.02.2022, 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. The report dated 10.03.2022 of Chief Judicial Magistrate, Ferozepur, has been received, wherein it is stated that in pursuance of the order of this Court, the statements of the parties were recorded which indicate that the compromise is genuine, without any coercion or undue influence. It is further mentioned in the report that there are two accused in the present FIR.

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'** decided 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 were 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-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** and also the above referred judicial precedents wherein this Court has allowed partial quashing, the present petition is allowed.

Resultantly, FIR No.0025 dated 21.01.2018 registered under Sections 420/120-B IPC at Police Station City Ferozepur as well as the consequential proceedings arising therefrom are quashed qua the petitioner.

05.04.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO