IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

SR. No.214

CRM-M-10912-2021
Date of Decision:06.01.2022

Balbir Singh @ Manga and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CRM-M-11061-2021

Roshan Lal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.Vikas Bali, Advocate,
for the petitioners in CRM-M-10912-2021 and
for respondent No.2 in CRM-M-11061-2021.

Mr. Bhisham Kumar, Advocate
for the petitioners in CRM-M-11061-2021 and
for respondents No.2 to 6 in CRM-M-10912-2021

Mr. Tanvir Joshi, AAG, Punjab.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

This order shall dispose of both the above-mentioned petitions arising out of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure invoking its inherent

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jurisdiction for quashing of FIR No.64 dated 21.03.2020 registered under Sections 323/341/506/34 IPC and its cross version case, i.e. GD No.17 dated 23.03.2020 under Sections 323/341/506/34 at Police Station Koom Kalan, District Ludhiana as well as the consequential proceedings arising therefrom, on the basis of compromise (P-3).

While issuing notice of motion in both the cases, this Court directed both the parties to appear before the trial Court to record their statements with regard to genuineness of the compromise arrived at between them and the learned trial Court was directed to send a report in this regard. In pursuance of the said order, separate reports in both the cases have been received from the Judicial Magistrate 1st Class, Ludhiana, which are attached with the files, stating therein 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 these are the fit cases 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 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

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by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466***, both the aforementioned petitions are allowed. Resultantly, FIR No.64 dated 21.03.2020 registered under Sections 323/341/506/34 IPC and its cross version case, i.e. GD No.17 dated 23.03.2020 under Sections 323/341/506/34 at Police Station Koom Kalan, District Ludhiana as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

06.01.2022 **(SANT PARKASH)**
mks **JUDGE**

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

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