

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

SR. No.253

CRM-M-17648-2021

Date of Decision:28.03.2022

Harbhajan Kaur @ Bhajan Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. P.S. Punia, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Amitoj Singh, Advocate
for respondent No.2.

SANT PARKASH, J.

Petitioners have 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.81 dated 12.06.2014 registered under Sections 406/420/120-B IPC at Police Station Payal, District Ludhiana as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion on 28.04.2021, 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. The report dated 20.05.2021 of Sub Divisional Judicial Magistrate, Payal, has been received, wherein it is stated that in pursuance of the order of this Court, the statements of the parties were recorded (except accused Sukhwinder Singh) which indicate that the compromise is genuine, without

any coercion or undue influence. It is further mentioned in the report that accused Sukhwinder Singh has been declared proclaimed offender.

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.81 dated 12.06.2014 registered under Sections 406/420/120-B IPC at Police Station Payal, District Ludhiana as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

28.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO