

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

SR. No.251

CRM-M-36700-2020

Date of Decision:29.03.2022

Rupesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CRM-M-3491-2020

Amandeep Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. A.K. Garg, Advocate,
for the petitioners.

Mr. Harbir Sandhu, AAG, Punjab

Mr. Kushagra Mahajan, Advocate
for the complainant.

SANT PARKASH, J.

This order shall dispose of both the above-mentioned petitions arising out of impugned FIR.

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 No281 dated 03.12.2019 registered under Sections 379-B/34 IPC at Police Station Haibowal, District Police Commissionerate, Ludhiana 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. The report dated 10.02.2021 of Judicial Magistrate 1st Class, Ludhiana, has been received in CRM-M-36700-2020, wherein it is stated 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.

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-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*, both these petitions are allowed. Resultantly, FIR No281 dated 03.12.2019 registered under Sections 379-B/34 IPC at Police Station Haibowal, District Police Commissionerate, Ludhiana as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

29.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO