

(2021) 01 P&H CK 0277

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 42048 Of 2020

Balkar Singh And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 21-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 147, 149, 323, 427, 452

Citation : (2021) 01 P&H CK 0277

Hon'ble Judges : Archana Puri, J

Bench : Single Bench

Advocate : G.S. Salana, H.S. Multani, Fariad Singh Virk

Final Decision : Allowed

Judgement

Archana Puri, J

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making prayer for quashing

of FIR No.146 dated 07.11.2020 under sections 452, 323, 427, 147, 149 of Indian Penal code registered at Police Station Amloh, District Fatehgarh

Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.12.2020, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate/Duty Magistrate and get their statements

recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the

report regarding genuineness of the compromise.

In compliance of the order dated 15.12.2020, learned Judicial Magistrate Ist Class, Amloh (Duty), has recorded the statements of the parties and

submitted her report, the relevant paragraph whereof reads as under:-

“It is further respectfully submitted that from the statements of the parties, it seems that compromise effected between the parties is genuine and is

correct without any force or coercion.”

After hearing the learned counsel for the parties and also going through the 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 settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made without any

pressure or undue influence on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “Kulwinder Singh and others Vs. State of Punjab and another”, 2007(3) RCR (Criminal) 105,2 upheld by

Hon'ble Apex Court in “Gian Singh Vs. State of Punjab and others”, (2012) 10 SCC 303.

Considering the aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.146 dated

07.11.2020 under sections 452, 323, 427, 147, 149 of Indian

Penal code registered at Police Station Amloh, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, are ordered to be

quashed.

Accordingly, the present petition stands allowed.