

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22422-2018 (O&M)

Date of decision: 11.07.2019

Dalwinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to quash the FIR No.482 dated 27.06.2001 registered under Sections 323, 324, 34, IPC on the basis of compromise.

Learned counsel for the petitioner has submitted that the remaining 4 accused were convicted by the trial Court, however, before the Appellate Court because of settlement Ex.C-2 and the fact that the offences were compoundable, the Court allowed compounding. He further submitted that as per Ex.C-2 i.e. deed of settlement, the compromise has already been taken place with regard to the petitioner. However, since the petitioner was declared proclaimed offender, therefore, the matter qua him remain pending. He has further submitted that first informant/victim Naranjan Kaur has shifted to USA and pursuant to the directions, learned Chief Judicial Magistrate has recorded the statement of the victim on 11.06.2019 wherein she admitted the factum of compromise about 5-6 years

ago. However, because of old age, she could not re-collect the names of the accused. The settlement is dated 05.03.2011 and she has admitted the settlement.

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.482 dated 27.06.2001 registered under Sections 323, 324, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Sadar Jalandhar, District Jalandhar and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 20.05.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 01.07.2019 sent by the Chief Judicial Magistrate (NRI Court), Jalandhar, has been received which is available on record of the case along with the statement of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

After hearing learned counsel for the parties and after 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 out of Court settlement by way of compromise. 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.

For the aforesaid view, this Court finds support from Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.482 dated 27.06.2001 registered under Sections 323, 324, 34, IPC, Police Station Sadar Jalandhar, District Jalandhar and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only. Consequently, the order declaring the petitioner proclaimed offender also shall stand quashed.

Resultantly, with the above-said observations made, the instant petition stands allowed.

11.07.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No