

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 27.05.2019

1. CRM-M-15793 of 2019 (O&M)

Sukhveer Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

2. CRM-M-14608 of 2019 (O&M)

Sukhveer Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagmeet Singh Moudgil, Advocate
for the petitioners (in both petitions).

Mr. Ramdeep Pratap Singh, DAG, Punjab.

Mr. Puneet Sharma, Advocate
for respondent No.2 (in CRM-M-15793-2019).

Mr. B.S. Toor, Advocate
for respondents No.2 and 3 (in CRM-M-14608-2019).

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-15793 of 2019
and CRM-M-14608 of 2019 shall stand disposed of.

Prayer in this petition is for quashing of FIR No.49 dated
11.05.2016 registered under Sections 420, 506 of the Indian Penal Code
(for short 'IPC') and Section 4 of the Dowry Prohibition Act, 1961, at Police

Station Budhlada, District Mansa and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In compliance of the order dated 05.04.2019 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 24.04.2019 sent by the Sub Divisional Judicial Magistrate, Budhlada, 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.

Learned counsel for the petitioners as well as learned counsel for the State are ad idem that none of the petitioners is proclaimed offender.

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.49 dated 11.05.2016 registered under Sections 420, 506, IPC and Section 4 of the Dowry Prohibition Act, 1961, Police Station Budhlada, District Mansa and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

There is another petition i.e. CRM-M-14608-2019 in which quashing of FIR No.75 dated 24.06.2016 registered under Sections 452, 323, 506 of the Indian Penal Code, at Police Station Budhlada, District Mansa, has been sought on the basis of compromise.

The deed of compromise has been attached as Annexure P-2, correctness whereof is not being disputed by learned counsel for the respondent. In any case, the parties have admitted the existence of the settlement which is common in both the cases.

In order to secure the ends of justice, FIR No.75 dated 24.06.2016 registered under Sections 452, 323, 506, IPC, Police Station Budhlada, District Mansa and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, both the petitions stand allowed.

27.05.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No