

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44136-2018 (O&M)
Date of Order:30.04.2019

Rajveer Kaur Gill and others

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S.Brar, Advocate, for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab

Mr. A.P.S.Gill, Advocate, for
Mr. R.S.Sekhon, Advocate
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

The petitioners have 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.4, dated 01.02.2013, registered under Sections 420/120-B of the Indian Penal Code, at Police Station NRI Moga, District Moga and the consequential proceedings arising therefrom.

On 17.01.2019, this court has passed the following order:-

*“This petition has been filed for quashing of FIR
No.4 dated 1.2.2013 on the basis of compromise
(Annexure P-2).*

Notice of motion.

*Mr. K.S. Sidhu, DAG, Punjab, accepts notice on
behalf of the State of Punjab and Mr. RS Sekhon,*

Advocate, puts in appearance and accepts notice on behalf of respondent No.2 The parties are directed to appear before the trial Court/Illaq Magistrate on 25.2.2019 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court as regards genuineness of compromise well before the next date of hearing.

The petitioner may get his statement recorded through his power of attorney.

Adjourned to 30.4.2019.”

In compliance of the order dated 17.01.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report dated 12.03.2019 along with statements of the parties sent by the learned Judicial Magistrate first Class, Ludhiana has been received which is available on record of the case. Learned Magistrate has reported that the parties have compromised the matter and the same is voluntarily and a genuine one, without any pressure or undue influence,. Both the parties have accepted the genuineness of the compromise.

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 the learned counsel for the parties and 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* and *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.4, dated 01.02.2013, registered under Sections 420/120-B of the Indian Penal Code, at Police Station NRI Moga, District Moga and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

April 30, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No