

CRM-M-12888-2019

Date of decision: 21.01.2020

SATBIR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.P. Kaushal, Advocate
for the petitioners.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 214 dated 07.10.2018, under sections 506/34 IPC and under Section 67-A of Information Technology Act, 2000 registered at Police Station City Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 20.03.2019, notice of motion was issued and parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 20.03.2019, learned Chief

Judicial Magistrate, Moga has recorded the statements of the parties and

submitted his report, the relevant para whereof reads as under:-

“ From the statements of above said accused and complainant recorded in the court, it is forth coming that a compromise has been effected between above said complainant and accused. As per the statements of above said persons, further it is submitted as under:-

- i. The compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.
- ii. There is only one accused Satbir Singh in the above said FIR and he is appearing in the court, who is on bail.
- iii. There is no other proceeding pending against the accused except the above said FIR”.

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 a settlement, out of the Court, 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.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld 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. 214 dated 07.10.2018, under sections 506/34 IPC and under Section 67-A of Information Technology Act, 2000 registered at Police Station City Moga and all the consequential proceedings arising therefrom,

are ordered to be quashed, however, qua the petitioner only.

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

21.01.2020
renubala

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No