

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-14621-2019

Date of decision : 08.01.2020

Varinder Singh @ Bunty Bajwa and others

... Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE VIVEK PURI

Present : Mr.Naveen Bawa, Advocate
for the petitioners.
Mr.Rajesh Bhardwaj, Sr. DAG, Punjab.
Mr.Vishnu Dutt, Advocate
for respondent No.2.

Vivek Puri, J. (Oral)

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 03.01.2019 (Annexure P-1), registered under Sections 452, 323, 506, 427, 148 and 149 IPC, Police Station Division No.6, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued by the Coordinate Bench of this Court vide order dated 29.03.2019 and operative part of it, reads as under:-

“Notice of motion.

At the asking of the Court, Mr. A.S. Gill, DAG, Punjab has accepted notice on behalf of the respondent-State, whereas Mr. Vishnu Dutt, Advocate accepts notice on behalf of respondent No.2 and filed vakalatnama. The same is taken on record. Be tagged at appropriate place.

Let requisite number of copies of paper-book be supplied to learned State counsel as well as learned counsel for respondent No.2, during the course of the day.

Adjourned to 23.05.2019.

Meanwhile, petitioners shall deposit `10,000/- with "Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No.000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank Account No.1245010000518, United Bank of India and `5,000/- with "Prabh Aasra", Bank A/c No.014894600000970, Yes Bank Branch, SCO 151/152, Sector- 9C, Chandigarh, total `15,000/- as costs, as a precondition for recording of statements.

Thereafter, parties shall appear before the Illaqa Magistrate/trial Court, who, after having the receipt of amount of `15,000/- as above duly verified by their counsel, shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.”

In compliance of the order dated 29.03.2019 passed by Coordinate

Bench of this Court, learned Judicial Magistrate, 1st Class, Ludhiana has recorded the statements of the parties and submitted a report, the relevant para whereof reads as under:-

“It was only on 17.05.2019 that Mukesh Kumar, Pankaj Kumar and Raj Kumar appeared before the court, suffered separate statements to the identical, all of them were brothers and Mukesh Kumar was the complainant and Pankaj Kumar and Raj Kumar were the injured in the present case and brothers of Mukesh Kumar. Mukesh Kumar had got registered the present FIR against accused Varinder Singh @ Buty Bajwa, Gaurav Dutt @ Gaurav Kumar, Jatinder Pal Singh @ Jeetu and Sandeep Singh Taap. They further submitted that they had voluntarily entered compromise with all the accused out of their own free will and volition and without any inducement, threat, coercion and undue influence and had no objection if the present FIR registered against the accused was quashed.”

It has also been reported the receipts with respect to deposit of amount have also been placed on record and further statement of all the petitioners/accused have also been recorded acknowledging the fact of compromise.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties and going through 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 the 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*, 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.4, dated 03.01.2019 (Annexure P-1), registered under Sections 452, 323, 506, 427, 148 and 149 IPC, Police Station Division No.6, District Ludhiana, and all 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.

[VIVEK PURI]
JUDGE

08.01.2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No