

DR. HARPREET KAUR**...PETITIONER****VERSUS****STATE OF PUNJAB AND ANR.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab.

Ms. Sheenam Kambi, Advocate for
Mr. Vaibhav Goyal, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 251 dated 23.11.2018, under sections 406, 420 IPC registered at Police Station City Gurdaspur, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 10.04.2019, 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 send his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 10.04.2019, learned Chief Judicial Magistrate, Gurdaspur has recorded the statements of the parties and submitted his

“ It is further submitted that as all the parties to the petition have appeared for recording their statements therefore, it appears that the compromise is genuine, without any pressure or under influence.

It is further submitted that as per statement of Investigating Officer, no accused has been declared as Proclaimed offender in this case”.

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. 251 dated 23.11.2018, under sections 406, 420 IPC registered at Police Station City Gurdaspur, District Gurdaspur 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.

31.01.2020
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(VIVEK PURI)
JUDGE