

DIVYA SETHI AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioners.

Ms. Jasleen Kaur, AAG, Punjab.

Ms. Jyoti Sareen, Advocate
for respondent No.2.

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. 378 dated 27.12.2016, under sections 420, 406, 120B IPC of 1860 registered at Police Station Focal Point, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 01.05.2019, 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 01.05.2019, learned Chief Judicial

Magistrate, Ludhiana has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ In compliance with the same, the parties i.e. complainant Sonika Khanna and accused persons namely Divya Sethi, Pranav Sethi, Gurjit Singh and Jasdeep Kaur appeared before this Court on 29.05.2019 and their statements were recorded in writing. The parties have also placed on record the copy of compromise deed Ex.C1. In view of the statements suffered by the above said parties, this Court is of the considered view that the above said parties have arrived at a volunteer compromise which is without any coercion or threat. Further, as per the record and statement of complainant she is the only complainant and aggrieved/affected person in the present FIR and similarly, there no other accused involved in the present FIR other than the above said accused persons/petitioners arrayed in the subject cited petition”.

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. 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. 378 dated 27.12.2016, under sections 420, 406, 120B IPC of 1860 registered at Police Station Focal Point, District Ludhiana 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.

29.01.2020
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(VIVEK PURI)
JUDGE

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