

CRM-M-25945-2020(O&M)
Date of decision: 15.10.2020

MANISH KUMAR @ CHAND AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on account
of Covid-19 Pandemic).*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. 62 dated 15.03.2020 under Sections 307/34IPC and Section 25 of Arms Act 1959, registered at Police Station Gate Hakima, District Amritsar all the consequential proceedings arising therefrom, on the basis of compromise.

On 03.09.2020, 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 its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 03.09.2020, learned Chief Judicial Magistrate, Sirsa has recorded the statements of the parties and submitted its report dated 24.09.2020, the relevant para whereof reads as under:-

“ I have the honour to submit that I have gone through the statements (recorded before the Court of Ms. Kamal Varinder, Ld. JMIC, Amritsar (Duty) given by the complainant and posed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure or coercion of anyone. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your good-self the report is as under:-

(1)The number of persons arrayed as accused in the present FIR are four.

(2) As per report the statement of Police Official-ASI Gurjit Singh no. 2183, recorded separately, no accused is declared as PO in present case.

(3) The compromise is genuine and without any pressure or undue influence of the parties”.

It has been stated that it is a case of no injury.

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

FIR No. 62 dated 15.03.2020 under Sections 307/34IPC and Section 25 of Arms Act 1959, registered at Police Station Gate Hakima, District Amritsar 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.

15.10.2020
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(VIVEK PURI)
JUDGE

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