

SULINDER KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Manaise, Advocate
for the petitioner.

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)

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. 12 dated 06.02.2020 under Section 328 IPC, registered at Police Station Dorangla, District Gurdaspur all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.09.2020, 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 17.09.2020, learned Chief Judicial Magistrate, Sirsa has recorded the statements of the parties and submitted its report dated 01.10.2020, the relevant para whereof reads as under:-

“ It is submitted that petitioner No.1 Sulinder Kaur, respondent No.2 Tarlok Singh, respondent No.3 Narinder Kaur have appeared and made statement on 01.10.2020. They were asked to show their identity cards and photocopies of the same were taken on record. (Originals statements, and photocopies of identity cards attached herewith).

It is further submitted that

(1) As per statement of Investigating Officer, there is one (1) person arrayed as accused in FIR.

(2) No accused have been declared as Proclaimed offender in this case as per record.

(3) All the parties to the petition have appeared for recording their statements, therefore, it appears that the compromise is genuine, voluntary and out of free will of the parties.

(4) As per statement of ASI Bhupinder Singh, no accused person is involved in any other FIR.

(5) As per statement of ASI Bhupinder Singh, FIR No. 12 dated 06.02.2020 was registered on the complaint of Tarlok Singh S/o Chain Singh R/o Village Majari Jattan PS Nariot Jaimal Singh Tehsil @ District Pathankot *Father of Victim namely Narinder Kaur W/o Onkar Singh)”.

It has been stated that the petitioner is the mother-in-law of respondent No.3 and they are residing together.

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. 12 dated 06.02.2020 under Section 328 IPC, registered at Police Station Dorangla, 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.

15.10.2020
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(VIVEK PURI)
JUDGE

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