

CRM-M-29182-2019

Date of decision: 03.02.2020

VIKRANT BHATEJA @ TEETU THEKEDAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S. Tiwana, Advocate for
Mr. Harmanpreet Sehgal, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

Mr. Tarun Jhatta, 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. 163 dated 27.06.2019, under sections 365, 342, 323, 148 IPC, 1860, registered at Police Station City Muktsar, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the allegations are to the effect that on 26.06.2019, at about 07.30 pm respondent No.2 was kidnapped by the petitioner and others. However, respondent No.2 was set free after about two and a half hours.

It has been stated that the names of other persons could not be ascertained.

On 11.07.2019, notice of motion was issued and on 16.09.2019 parties were directed to appear before the Trial Court/Illaq Magistrate on 22.10.2019 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 16.09.2019, learned Chief Judicial Magistrate, Sri Muktsar Sahib has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ It is further most humbly submitted that further the report was sought as to whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if the Hon’ble High Court comes to the conclusion that the FIR sought to be quashed can be so quashed. In this regard the statement of SI Pritam Singh, no.40/SMS, posted at PP Bus Stand Police Station, City, Sri Muktsar Sahib Investigation officer of the case, was recorded. In his statement, SI Pritam Singh, Investigating Officer has stated that at present he was the Investigating officer of case FIR No. 163 dated 27.06.2019 under Section 365, 342, 323, 148 IPC, 1860 was registered at Police Station City Muktsar, District Sri Muktsar Sahib which was registered on the statement of Satpal Singh. He has stated that except Satpal Singh there was no other effected/aggrieved party. SI Pritam Singh has deposed that the case was registered against only one person namely Vikrant Bhateja Alias Teetu Thekedar and some other persons who have not yet been identified. From the statement suffered by SI Pritam Singh, Investigating Officer as well as from the statement suffered by the complainant Satpal it is found that the FIR in the present case was registered against only accused i.e. Vikrant Bhateja and though there were some other unknown persons named by the complainant but they have not yet been identified. It is also found that there is only one aggrieved person i.e. Satpal Singh whose statement has already been recorded. Thus, this Court is of the opinion that there is no

other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, for the quashing of the present FIR. Hence, this report. Photocopies of the statements along with copies of Adhaar cards of the complainant as well as the accused are enclosed herewith for kind perusal”.

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. 163 dated 27.06.2019, under sections 365, 342, 323, 148 IPC, 1860, registered at Police Station City Muktsar, District Sri Muktsar Sahib 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.

03.02.2020
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(VIVEK PURI)
JUDGE

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