

CRM-M-29675-2019
Date of decision: 12.02.2020

BALVEER SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. R.K.Sandhu, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

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. 22 dated 12.04.2017, under sections 295-A, 296, 323, 506, 34 of IPC registered at Police Station Bariwala, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

On 16.07.2019, 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 16.07.2019, learned Judicial Magistrate 1st Class, Sri Muktsar Sahib has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ As such, the court is of the view that statements of the parties are bona fide and are not result of any pressure. All the accused and victim are party to the compromise. No other case is pending against the complainant and accused persons. It is submitted that no person in the present matter has been declared Proclaimed Offender. It is further submitted that no accused/petitioners in the present matter are previous convict.

As such, the court is of the view that the compromise is genuine, voluntary and without any coercion or undue influence. The report along with statements as directed is submitted for your kind perusal please”.

The allegations in the present FIR are to the effect that the petitioners had inflicted injury upon respondent No.1 and also assaulted him with the outrageous intention.

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,

registered at Police Station Bariwala, 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.

12.02.2020
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(VIVEK PURI)
JUDGE

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