

CRM-M-33687-2019
Date of decision: 25.02.2020

RAGHDEEP SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Tarun Singla, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. J.K. Singla, Advocate
for respondent No.2/complainant.

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. 13 dated 28.01.2018, under sections 454, 380 of IPC, 1860 registered at Police Station Bhikhi, District Mansa and all the consequential proceedings arising therefrom, on the basis of compromise.

On 21.08.2019, 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 21.08.2019, learned Judicial Magistrate 1st Class, Mansa has recorded the statements of the parties and

submitted his report, the relevant para whereof reads as under:-

“ Complainant/first informant Nachhattar Singh suffered a statement to the effect that he got lodged present FIR against the accused namely Raghdeep Singh son of Kartar Singh and Manpreet Kaur daughter of Nachhattar Singh both resident of Bhikhi, Tehsin and District Mansa. Now the matter had been compromised with the accused/petitioners with the intervention of the relatives and respectable persons. The compromise was genuine and he entered into compromise without any pressure and out of his free will. He had no objection if the FIR was quashed on the basis of compromise.

Accused Raghdeep Singh and Manpreet Kaur also suffered statements to the effect that present FIR was got lodged against them by the complainant. They both were on bail in the present case and they were appearing before the trial court regularly. Another case under section 138 NI Act was pending against them. The matter had been compromised with the complainant with the intervention of the relatives and respectable persons. The compromise was genuine and they entered into compromise without any pressure and out of their free will and they prayed for quashing of FIR on the basis of compromise.

Therefore, in view of the above statements of the parties, the compromise entered into by the parties appears to be genuine, voluntary and without any coercion or undue influence. Hence, this report. Original statements of parties are enclosed herewith this report, for the kind consideration of the Hon’ble High Court”.

Precisely, the FIR was registered by respondent No.2 with regard to the theft of Rs. 30,000/- in cash, 2.5 gram gold and a mobile phone worth Rs. 10,500/- against petitioners No.1 and 2 who are the son-in-law and daughter of the

complainant respectively. The parties are close relatives of the complainant.

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. 13 dated 28.01.2018, under sections 454, 380 of IPC, 1860 registered at Police Station Bhikhi, District Mansa 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.

25.02.2020
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(VIVEK PURI)
JUDGE

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