

CRM-M-37834-2019

Date of decision: 10.01.2020

SAWINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Simranjit Singh, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

VIVEK PURI, J. (ORAL)

Petitioners have been approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 50 dated 24.08.2015, under section 420, 467, 468, 471, 120-B, registered at Police Station Ghanie Ke Bangar, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 09.09.2019, notice of motion was issued and parties were directed to appear before the Trial Court/Illaqa 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 sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 16.12.2019, learned Judicial Magistrate, 1st Class, Batala has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“That as per the FIR, there are three accused persons namely Sawinder Singh son of Didar

Singh, Ranjit Singh son of Ajit Singh and Randeep Singh son of Sukhwinder Singh who have been arrayed in the present FIR.

In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure of coercion. As per the statement of the parties, no criminal proceedings are pending against each other except the present FIR.

As per the record, none of the accused is declared proclaimed offender”.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

After hearing the learned counsel for the parties and going through record 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 an out of the Court settlement 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.50, dated 24.08.2015, registered under section 420, 467, 468, 471, 120-B, registered at Police Station Ghanie Ke Bangar, District Gurdaspur 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.

10.01.2020
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(VIVEK PURI)
JUDGE

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