

Ashok Kumar and another

... Petitioners

v/s

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**Present: Mr. Barjinder Singh, Advocate  
for the petitioners.Mr. Vishawjeet Singh, Advocate for  
Mr. Rohan Sharma, Advocate  
for respondent No.2.

Ms. Jasleen Kaur, AAG, Punjab.

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**VIVEK PURI, J. (ORAL)**

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 222 dated 08.10.2010, under sections 406, 420 (409 and 120-B added later on with the cognizance of the Court) of Indian Penal Code registered at Police Station Patran, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise dated 13.6.2019 (Annexure P-2).

On 09.09.2019, notice of motion was issued and parties were directed to appear before the Trial Court 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 09.09.2019, learned Judicial Magistrate 1<sup>st</sup> Class, Samana has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

*“From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably as they are close relatives (accused No. 1 is brother and accused No. 2 is sister-in-law of complainant). Compromise is genuine, voluntarily and out of free will of the parties. As per statements of the parties and statement of police official, the accused persons are not involved in any other FIR. There is no other complainant/victim in present FIR except said Kimti Lal”.*

After hearing 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 is 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***.

Accordingly, the present petition is allowed and FIR No. 222

dated 08.10.2010 under sections 406, 420 (409 and 120-B added later on with the cognizance of the Court) of Indian Penal Code registered at Police Station Patran, District Patiala and all the consequential proceedings arising therefrom are quashed.

**15.01.2020**

Janki

**(VIVEK PURI)  
JUDGE**

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