

CRM-M-41851-2019
Date of decision: 02.03.2020

HARJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

Ms. Sheenam Kamboj, Advocate for
Mr. Amit Rana, Advocate
for respondents No.2 and 3.

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 impugned complaint No. 10000185 of 2013 bearing case No. 39/09.08.2011 titled as 'Dalbir Kaur Vs. Sukhwinder Singh and others' dated 09.08.2011 and the summoning order dated 11.09.2015 (Annexure P-2) and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.12.2019, 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 its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 19.12.2019, learned Judicial

Magistrate 1st Class, Gurdaspur has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“It is submitted that petitioner No.1 Harjit Singh, respondent No.2 Dalbir Kaur and respondent No.3 Amandeep Kaur have appeared and made statement on 17.01.2020. They were asked to show their identity cards and photocopies of the same were taken on record. (Original statements, and photocopies of identity cards attached herewith).

As all the parties to the petition have appeared for recording their statements, and complainant namely Amandeep Kaur and Dalbir Kaur have stated in their statements that they have no objection arising therefrom against petitioner/accused namely Harjit Singh are quashed as compromise has been effected between them and petitioner/accused namely Harjit Singh voluntarily. Therefore, it appears that compromise is genuine, voluntary and without any coercion or undue influence.

It is further submitted that

(i) Complainant namely Dalbir Kaur had filed complaint case against four accused's namely Sukhwinder Singh son of Dalip Singh, Malkit Singh son of Sukhwinder Singh Residents of village Basrawan, Police Station Kahnuwan, District Gurdaspur, Balbir Singh son of Bakshish Singh, resident of village Khushalpur, Police Station Kahnuwan, District Gurdaspur and Harjit Singh S/o Sukhwinder Singh R/o Village Basrawan Tehsil and District Gurdaspur. (Three accused namely Sukhwinder Singh, Malkit Singh, Balbir Singh have been

convicted by the Court of Sh. Prem Kumar, Ld. Addl. Sessions Judge, Gurdaspur vide order dated 14.02.2019 in the above noted complaint and further released on probation bonds.

(ii) Manpreet Singh S/o Mehtab Singh and Mehtab Singh S/o Bhaga Singh Both R/o Village Khushalpur, Tehsil and District Gurdaspur are affected party other than the respondents, arrayed in the petition. (A cross case bearing FIR No. 49 dated 27.07.2011 under sections 326,325,323,34 IPC, Police Station Kahnuwan was registered against the accused's namely Manpreet Singh S/o Mehtab Singh, Mehtab Singh S/o Bhaga Singh, Dalbir Kaur W/o Mehtab Singh, All R/o Village Khushalpur, Tehsil and District Gurdaspur. Accused namely Manpreet Singh, Mehtab Singh and Dalbir Kaur have been convicted by the Court of Sh. Prem Kumar, Addl. Sessions Judge, Gurdaspur vide order dated 14.02.2019 and further released on probation bonds".

At the earlier instance the co-accused of the petitioner had faced trial. It was a case of version and cross-version and in the Appellate Court, the accused in both the matters were released on probation of good conduct.

It has been stated that the petitioner was declared proclaimed offender as he was residing abroad during the relevant period the operation of the order vide which he was declared proclaimed offender has already been stayed in terms of order dated 18.07.2019 passed in CRM-M-30300-2019.

Both respondents No.2 and 3 have been made categorical statement that the matter in dispute has been amicably settled between them.

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. 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, impugned complaint No. 10000185 of 2013 bearing case No. 39/09.08.2011 titled as 'Dalbir Kaur Vs. Sukhwinder Singh and others' dated 09.08.2011 and the summoning order dated 11.09.2015 (Annexure P-2) 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.

02.03.2020
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(VIVEK PURI)
JUDGE

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