

CRM-M-41637-2019

Date of decision: 06.03.2020

TARLOCHAN SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

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

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

Mr. Mukesh Kumar Bhatnagar, 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. 2 dated 07.01.2016 under sections 306/34 of IPC registered at Police Station S.G.N. Dev TRML Plant, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.

On 05.02.2020, 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 05.02.2020, learned Additional Sessions Judge, Bathinda has recorded the statements of the parties and

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

“Complainant Swaran Kaur @ Maninder Kaur has stated that she got the case registered against accused Tarlochan Singh, Manpreet Singh, Mandeep Singh, Harpreet Singh, Surjit Singh for having abetted the commission of suicide by her husband Jaswinder Singh. Apart from them, she did not name any other person in the FIR. This case had been got registered on the basis of some misconception. She is now left with no grudges against accused and have no objection if FIR is quashed on the basis of compromise. She is making her statement out of her free will and volition and without any coercion from any corner. Her statement had been endorsed by Sh. Pippal Singh, brother in law of deceased Jaswinder Singh, who has also made a similar statement.

Accused, Tarlochan Singh, Manpreet Singh, Mandeep Singh @ Dalbir Singh, Harpreet Singh and Surjit Singh have also endorsed the statement of complainant Swaran Kaur stating that they have heard the statement of complainant, which is correct. They have also stated that they are not involved in any other case.

So, from the said statements, I am satisfied that the compromise has been entered upon by the parties voluntarily, without any coercion and undue influence from any corner. As such, compromise is genuine.

Accused Tarlochan Singh, Manpreet Singh, Mandeep Singh @ Dalbir Singh, Harpreet Singh and Surjit Singh have also stated in their statements that they are not involved in any other case.

The case is at the stage of arguments on the point of framing of charge.

SI Gurdashan Singh, Investigation Officer has also submitted a statement that there is only complainant Swaran Kaur in this case who had initially got the case registered for the abetment of commission of suicide of her husband Jaswinder Singh. There is no other complainant in this case.

The copies of statements of complainant

Swaran Kaur @ Maninder Kaur, Sh. Pippal Singh, brother in law of deceased Jaswinder Singh as well as accused Tarlochan Singh, Manpreet Singh, Mandeep Singh @ Dalbir Singh, Harpreet Singh and Surjit Singh and Investigating Officer, SI Gurdarshan Singh are enclosed herewith for kind perusal”.

FIR has been registered on the allegations that the deceased was working as driver on the combine of petitioner No.1 and he was not being paid wages. Deceased was disappointed. On that score he had committed suicide.

It has been mentioned in the report that the case was got registered by the complainant on the basis of misconception and he has no grudge against the accused.

Learned counsel for respondent No.2/complainant has also acknowledged the fact of compromise.

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-3). 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. 2 dated 07.01.2016 under sections 306/34 of IPC registered at Police

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.

06.03.2020
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(VIVEK PURI)
JUDGE

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