

CRM-M-49728-2019

Date of decision: 14.01.2020

SAROOP SINGH AND ORS.

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ithlesh Kaushal, Advocate
for the petitioners.

Ms. Jasleen Kaur, AAG, Punjab.

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. 41 dated 22.06.2019, under sections 325, 341, 323, 148, 149 IPC registered at Police Station Dhilwan, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.11.2019, 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 sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 12.12.2019, learned Judicial Magistrate 1st Class, Kapurthala has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

Sandeep Kaur, I am of the considered opinion that parties have entered into compromise voluntarily and without any threat, coercion or pressure and their compromise is genuine one and complainant Sandeep kaur has made her statement in the Court voluntarily and without any pressure. The copy of the statement of complainant Sandeep Kaur and the accused Saroop Singh, Kulvir Kaur, Amrik Kaur, Satnam Singh, Jarnail Singh and Joginder Singh and statement of Investigating Officer ASI Sikander Singh recorded by the undersigned is enclosed herewith. Complainant Sandeep Kaur has been identified by her counsel, Sh. Amritpal Singh, Advocate. Similarly, accused Saroop Singh, Kulvir Kaur, Amrik Kaur, Satnam Singh, Jarnail Singh and Joginder Singh have been identified by their counsel Ms. Anjali. Copy of the power of attorney and original compromise is enclosed in herewith”.

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 an settlement, out of the Court, by way of compromise (Annexure P-9). 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. 41 dated 22.06.2019, under sections 325, 341, 323, 148, 149 IPC registered at Police Station Dhilwan, District Kapurthala 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.

14.01.2020
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(VIVEK PURI)
JUDGE

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