

CRM-M-1015-2019

Date of decision: 06.03.2020

KARNAIL SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Siddharth Sharma, Advocate
for the petitioners.

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

Mr. Sanjeev Kumar, 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. 136 dated 12.06.2012 under sections 420,467,468,471 and 120-B IPC registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 14.01.2019, 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 14.01.2019, learned Additional Chief Judicial Magistrate, Kapurthala has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ Complainant, Pal Singh has made statement that present FIR No. 136 dated 12.06.2012 under sections 420,467,468,471,

120-B IPC, P.S. City Kapurthala was lodged against Karnail Singh, Hardev Singh and Anoop Singh on his complaint. He has entered into compromise with the abovesaid accused with the intervention of respectable persons of the village. He has entered into compromise with his free will, without any promise, pressure and influence from any corner. He want to lead peaceful social life. Now, accused Karnail Singh, Hardev Singh and Anoop Singh have applied for the quashing of above-said FIR before the Hon'ble Punjab and Haryana High Court. All the accused are appearing and none of them is declared as proclaimed person. He has no objection if the present FIR is quashed against accused Karnail Singh, Hardev Singh and Anoop Singh.

Accused Karnail Singh, Hardev Singh and Anoop Singh also made separate statements that they have compromised the matter with the complainant Pal Singh son of Gurmej Singh @ Geja Singh with the intervention of respectable of the locality without any pressure, threat or coercion, to keep harmony against the parties. They want to lead peaceful social life. Except the present FIR, no other FIR is pending against them. Now, they have applied for the quashing of above-said FIR before the Hon'ble Punjab and Haryana High Court. They prayed that the present FIR may be quashed against them.

In view of the statements so made by complainant Pal Singh and Karnail Singh, Hardev Singh and Anoop Singh, I am of the considered opinion that they have entered into compromise voluntarily and without any pressure, threat or coercion and they have made their statements in the Court voluntarily and without any threat, pressure and coercion and there compromise is genuine one. It is further submitted that if the compromise is accepted, it would be beneficial for both the parties”.

Precisely, the FIR was registered on the allegations of preparation of

forged and fictitious will of Gurmej Singh @ Geja, the father of respondent No.2/complainant.

Both the parties are stated to be close relatives and the matter has been amicably settled between them and the compromise will help to maintaining cordial relations amongst the relatives.

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-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. 136 dated 12.06.2012 under sections 420,467,468,471 and 120-B IPC registered at Police Station City Kapurthala, 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.

06.03.2020
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(VIVEK PURI)
JUDGE

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