

CRM-M-61739-2018

Date of decision: 14.01.2020

DARSHAN LAL AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Ms. Jasleen Kaur, AAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondent No.2.

VIVEK PURI,J. (ORAL)

Power of Attorney on behalf of respondent No.2 has been filed in Court today, which is taken on record.

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. 109 dated 23.06.2017, under section 379, 436 IPC registered at Police Station Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 21.12.2018, 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.

Judicial Magistrate, Mukerian has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ It is further submitted that in view of the statements recorded of the parties, the undersigned is of the view that compromise is genuine, voluntarily and without any coercion or pressure. The report is hereby submitted for kind consideration and further necessary action, please”.

It has been stated by the learned counsel for the petitioners that some of the petitioners earlier declared proclaimed offender and all of them have been admitted in bail and put in appearance before the Trial Court.

Learned State counsel on instructions from SI Harinder Singh has not disputed the aforesaid aspect.

It has also been stated at Bar by learned counsel for the petitioners that another FIR No. 76 dated 2015 registered at Police Station Mukerian, District Hoshiarpur has already been quashed today by a Co-ordinate Bench of this Court.

After hearing the learned counsel for the parties and going through record 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 out of the Court settlement 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. 109 dated 23.06.2017, under section 379, 436 IPC registered at Police Station Mukerian, District Hoshiarpur 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