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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28361 of 2020(O&M)

Date of Decision: 12.01.2021

Jaspal Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. P.S. Brar, Advocate
for the petitioners.

Mr. Sarabjit Singh, AAG, Punjab.

Mr. Ramandeep Singh, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.69 dated 20.06.2020 registered under Sections 452, 324, 323, 34 IPC at Police Station Sadar Faridkot, District Faridkot along

with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 17.09.2020, parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question.

[4]. In compliance of the aforesaid order, the trial court has submitted its report to the following effect:-

" I have the honour to submit that in pursuance of the order dated 17.09.2020 in CRM-M-28361-2020 in the case titled as Jaspal Singh and others versus State of Punjab and another, complainant Harjeet Singh son of Jagtar Singh, resident of village Jhaddiwala, Tehsil and District Faridkot and accused persons, namely (1) Jaspal Singh son of Diyal Singh (2) Sukhdev Singh son of Jaspal Singh (3) Sukhbir Kaur wife of Jaspal Singh and (4) Amandeep Kaur wife of Sukhdev Singh, all resident of village Jhaddiwala, Tehsil and District Faridkot, appeared in the Court on 18.11.2020 and got recorded their statements.

The same are forwarded herewith for kind perusal of Hon'ble the High Court of Punjab and Haryana at Chandigarh.

Complainant along with his counsel, namely Mr. Kuldwinder Singh Sran, Advocate got recorded

his statement to the effect that with the intervention of the respectable persons and family relations from both the sides, matter has finally stood compromised and he wants to live in peace and harmony and he has got no objection if the above said case FIR and the proceedings arising therefrom may be quashed by Hon'ble the High Court of Punjab and Haryana at Chandigarh against the accused persons. He further categorically deposed that he has compromised the matter with the accused persons with his own sweet will and discretion and without any pressure or threat or coercion or undue influence

Thus, from the statement of the complainant, named above, as recorded on 18.11.2020, it appears that he has compromised the matter with the accused persons, named above, with his own sweet will and discretion and without any pressure or threat or coercion or undue influence.

Report along with statement of the parties is humbly submitted please”

Though the aforesaid report is silent with regard to total number of accused persons viz-a-viz their status as being that of proclaimed offender or not, but learned counsel for the parties appearing before this Court are *ad idem* that there are only four accused involved in the FIR and none of them is proclaimed offender.

[5]. In view of report submitted by the trial Court, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in the area. The offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised in order to prevent unnecessary vagaries of criminal trial to be faced by the parties when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and

Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.

[6]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[7]. Resultantly, FIR No.69 dated 20.06.2020 registered under Sections 452, 324, 323, 34 IPC at Police Station Sadar Faridkot, District Faridkot as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

12.01.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No