

JATINDER SINGH AND ANR.**...PETITIONERS****VERSUS****STATE OF PUNJAB AND ANR.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Ms. Ramanjit Kaur, Advocate for
Mr. M.S. Yadav, Advocate
for respondent No.2. .

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. 70 dated 02.06.2010 under Sections 323/406/420/498-A/467/468/471/120-B/506 IPC, 1860 registered at Police Station Dehlon, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioners contends that at the earlier instance, the co-accused Malkiat Singh, Gurcharan Singh, Sukhwinder Singh and Jaswinder Singh faced trial and they have been acquitted vide judgment dated 18.10.2016 by the Court of learned Judicial Magistrate 1st Class, Ludhiana. Respondent No.2 had preferred an appeal and the same has also been dismissed in terms of judgment dated 25.07.2017 passed by the learned Additional Sessions Judge, Ludhiana.

The petitioners were declared as proclaimed offender at the earlier

been set aside in terms of two separate orders dated 06.09.2021 passed in CRM-M-35741-2021 and CRM-M-36246-2021. Now the petitioners are facing trial in the Court of learned Judicial Magistrate 1st Class, Ludhiana.

On 06.09.2021, 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 06.09.2021, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted its report dated 22.11.2021, the relevant para whereof reads as under:-

“In compliance of the order dated 06.09.2021 passed in CRM-M-36204-2021 (O&M) by Hon’ble Punjab & Haryana High Court, I have the honour to submit as under:

In compliance of the above said order, the statement of respondent no.2/complainant namely Parminder Kaur was recorded who stated that on her statement FIR bearing no.70 dated 02.06.2010 under Sections 323,406,420,498-A, 467, 468, 471,120-B, 506 IPC was registered against accused persons and accused Malkiat Singh, Gurcharan Kaur, Sukhwinder Kaur, Jaswinder Singh have already been acquitted vide judgment dated 18.10.2016. Now she has compromised the matter with accused persons Gurwinder Singh and Jatinder Singh out of her free will without any coercion or pressure with the interventions of respectables. She has received Rs.2,50,000/- today from the accused Jatinder Singh as per compromise dated 21.08.2021. Now they want to live in

peace and harmony and she has no objection if the quashing petition bearing No.CRM-M-36204-2021 filed by Jatinder Singh and Gurwinder Singh is allowed. She stated that she does not want to proceed further with the present case. She has produced the copy of her Adhaar Card as Ex.P1 for her identification.

Thereafter, joint statement of petitioners/accused persons namely Jatinder Singh and Gurwinder Singh Rattan was recorded wherein they stated that on the statement of complainant Parminder Kaur present FIR was present against them. Except them, other co-accused have already been acquitted vide judgment dated 18.10.2016. Now, they have compromised the matter with complainant Parminder Kaur with the interventions of respectables and they have no grudge against complainant Parminder Kaur and she has no objection if the quashing petition bearing No.CRM-M-36204-2021 filed by them is allowed and they be acquitted from the above said FIR. Accused Gurwinder Singh produced copy of his passport as Ex.P-2 and Jatinder Singh produced copy of his Adhar Card as Ex.P-3 for their identification.

Thereafter, the report of concerned Ahlmad was called who stated that no PO proceedings have been issued in the present case.

After going through the statements of parties, it is humbly submitted that the compromise between the parties is genuine, voluntary and without any coercion or undue influence and has been effected with motive of live in peace and harmony. It is further submitted that no proceedings are pending against any of the party.

The copies of the statements so recorded along with photocopies of identity proofs of the parties are annexed herewith for kind perusal please.”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties. Furthermore, the marriage between petitioner No.1 and respondent No.2 has already been dissolved by a decree of divorce by mutual consent.

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. 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. 70 dated 02.06.2010 under Sections 323/406/420/498-A/467/468/471/120-B/506 IPC, 1860 registered at Police Station Dehlon, District Ludhiana 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.

15.12.2021
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(VIVEK PURI)
JUDGE

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