

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-31907-2020
Date of Decision:01.04.2021**

GURDEV SINGH AND ANR

....Appellants

Versus

STATE OF PUNJAB AND ANR

....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Harchand Singh Bath, Advocate,
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

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

VIVEK PURI, J.(Oral)

The matter has been taken up through Video Conferencing in the light of Pandemic COVID-19 situation and as per instructions.

The present petition has been filed under Section 482 Cr. P. C. for quashing of the FIR No. 322 dated 30.11.2015 under Sections 406, 420 IPC, registered at Police Station City Phagwara District Kapurthala alongwith all consequential proceedings arising out of the said FIR on the basis of the compromise effected between the parties.

On 09.02.2021, the 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 09.02.2021, learned Sub Divisional Judicial Magistrate, Phagwara has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

3. The para wise report is as under :-

- (1) As per FIR, Gurdev Singh s/o Bachna Ram and Balwinder Singh @ Paramjit Singh s/o Gurdev Singh were arraigned as accused.
- (2) As per report of Ahlmad of this Court, no accused was declared as proclaimed offender.
- (3) As per statements of the parties, the compromise is genuine, voluntary and without any coercion or undue influence.
- (4) As per statement of ASI Sukhwinder Singh and report of Ahlmad of this Court, the accused persons are not involved in any other case.
- (5) As per statement of ASI Sukhwinder Singh accused Gurdev Singh and Balwinder Singh @ Paramjit Singh son of Gurdev Singh are not involved in any other case except FIR No. 322 dated 30.11.2015, U/ss 406. 420 IPC, P. S. City, Phagwara. There is one complainant namely Makhan Lal in the present FIR, who alleged that he handed over amount of Rs. 5,75,000/- to the accused persons on different dates for sending his sons Rajinder Pal and Narinder Pal abroad. Hamesh Lal, Rajinder Pal, Narinder Pal, Parshotam Kumar and Yograj are cited as witnesses in the report U/s 173 Cr. P.C.

In view of the above statements suffered by the parties, this Court is satisfied that compromise between the parties has been effected voluntarily without any threat or coercion and is genuine. The attested photocopies of statements of the parties and compromise are annexed herewith for kind perusal of your good-self and necessary action, please. The report is hereby submitted accordingly.

The present petition has been registered on the allegations that the petitioners have deceitfully extracted a sum of Rs. 5,75,000/- from respondent

No. 2 on the pretext to send his son abroad. The matter has been amicably

settled between the parties. Respondent no. 2 has received the said amount of Rs.5,75,000/- from the petitioners.

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. 322 dated 30.11.2015 under Sections 406, 420 IPC, registered at Police Station City Phagwara 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.

01.04.2021
Riya Grover

(VIVEK PURI)
JUDGE

<i>Whether speaking/reasoned</i>	-	<i>Yes/No</i>
<i>Whether reportable</i>	-	<i>Yes/No</i>