

KARNAIL SINGH @ BABBI AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

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. 109 dated 16.08.2021 under Sections 363/366-A/120-B IPC, 1860, registered at Police Station Dayalpura, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise dated 07.09.2021 (Annexure P-2).

On 16.09.2021, 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 16.09.2021, learned Judicial Magistrate 1st Class, Phul has recorded the statements of the parties and submitted its report dated 22.10.2021, the relevant para whereof reads as under:-

complainant Sukhjinder Singh and victim Navdeep Kaur as well as accused Karnail Singh @ Babbi, Jagsir Singh @ Sira and Karamjit Kaur is genuine, voluntary and without any coercion or undue influence, being outcome of their free will and consent.

As per record, no PO proceedings are pending against any of the party.”

The report has been made after recording the statements of the complainant, victim as well as the accused. It has been conceded that the allegations only pertain to the offence under Section 363-366-A read with Section 120-B IPC. The parties are residents of the same village and amicable settlement has been effected which will help in maintaining the cordial relation between the parties.

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 07.09.2021 (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 16.08.2021 under Sections 363/366-A/120-B IPC, 1860, registered at Police Station Dayalpura, District Bathinda and all the consequential

petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

24.11.2021
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(VIVEK PURI)
JUDGE

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