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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.37372 of 2020
Date of Decision: 11.01.2021

GURPREET KAUR AND ANR

.....Petitioners

Vs

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Bhawesh Chaudhary, Advocate
for the petitioners.

Mr. Sarabjit Singh, Asstt. A.G., Punjab.

None for the complainant.

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.12 dated 24.01.2019 registered under Sections 406/420/465/467/468 IPC & Section 12 of Passport Act, 1976 at Police Station Division No.2, District Jalandhar, on the basis of compromise.

[3]. Vide order dated 16.11.2020, 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, both the parties appeared before the Judicial Magistrate Ist Class, Jalandhar on 25.11.2020 for recording their statements in the context of genuineness of the compromise. A report dated 01.12.2020 has been received from the Judicial Magistrate Ist Class, Jalandhar. The relevant part of the report reads as under:-

“it is respectfully submitted that the aforesaid FIR was lodged by the complainant Prem Kumar against accused Gurpreet Kaur and Jasvir Singh. Keeping in view all aspects and statements of the complainant and accused, I am of the considered view that compromise has been freely entered into between the parties without any undue influence, coercion or pressure of any kind. Also, the statements of the parties are bonafide and are not result of any threat or coercion. Further in regard to information with regard to number of accused persons involved in the case and whether any of the accused has been declared proclaimed offender or not, report of concerned SHO was called who has stated that present FIR was lodged against accused Gurpreet Kaur and Jasvir Singh and none of the accused is proclaimed offender in the present case.

Submitted please.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Jalandhar, 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.12 dated 24.01.2019 registered under Sections 406/420/465/467/468 IPC & Section 12 of Passport Act, 1976 at Police Station Division No.2, District Jalandhar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 11, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No