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

**CRM-M No.40915 of 2020(O&M)
Date of Decision:16.02.2021**

Parveen Kumar

.....Petitioner

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Umesh Sharma, Advocate for
M.S. Atwal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.0089 dated 12.07.2020 registered under Section 420 IPC at Police Station Mukerian, District Hoshiarpur along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. While issuing notice of motion on 08.12.2020, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise. Illaqa Magistrate/trial Court was also directed to submit its record with regard to

genuineness of the compromise.

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

“In view of the above order dated 8.12.2020, the parties have come present on 15.12.2020 along with their respective counsels and statements of the parties complainant/respondent No.2 Santosh, aged about 42 years, widow of late Gurmit Singh, resident of Baba Mene Shah Road, village Kala Manj, Tehsil Mukerian, Distt Hoshiarpur and petitioner/accused Parveen Kumar, aged about 39 years, son of Brahm Dass, resident of Village Fattuwal, Tehsil Mukerian, Distt. Hoshiarpur have been recorded who have stated in unequivocal terms that matter has been settled amicably between the parties without any pressure, undue influence or coercion. Thus, after going through the statements of the parties, it is reported that the compromise is genuine, voluntary and without any coercion or undue influence. It is further reported that there is only one accused i.e. petitioner/accused Parveen Kumar named in the present FIR. It is further reported that no accused has been declared proclaimed offender. The police report has not been called who also reported that petitioner/accused Parveen Kumar is only accused in this FIR bearing no.89 and he is not declared proclaimed offender. All the grievances have been settled amicably between the parties without any coercion or undue influence. The report is hereby submitted for kind consideration

and further necessary action please.”

[4]. Perusal of the aforesaid report would show that the parties have effected genuine compromise. The complainant is not willing to carry on with the prosecution case against the petitioner. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.P.C can be exercised in such like situation 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.**

[5]. 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.

[6]. Resultantly, FIR No.0089 dated 12.07.2020 registered under Section 420 IPC at Police Station Mukerian, District Hoshiarpur as well as all the subsequent proceedings arising

therefrom, are hereby quashed.

[7]. Petition stands disposed of.

16.02.2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No