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

**CRM-M No.43693 of 2020
Date of Decision:22.01.2021**

Jaspreet Singh Mankoo

.....Petitioner

Vs

State of Punjab and ors

.....Respondents

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

Present:Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab.

Mr.Karan Singh Rana, Advocate
for the complainant-respondent No.2.

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.0125 dated 24.06.2019 registered under Sections 406, 420 IPC at Police Station Goraya, Police District Jalandhar Rural, District Jalandhar on the basis of compromise.

[3]. Vide order dated 23.12.2020, 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, Phillaur on 07.01.2021 for recording their statements in the context of genuineness of the compromise. A report dated 13.01.2021 has been received from the Judicial Magistrate Ist Class, Phillaur. The relevant part of the report reads as under:-

“The petitioner/accused namely Jaspreet Singh Mankoo s/o Mohinder Singh Mankoo r/o Village Atta, Tehsil Phillaur, District Jalandhar suffered separate statement to the effect that the matter has been compromised with respondents/complainants Tarochan Singh s/o S.Sarwan Singh r/o Village Atta, Tehsil Phillaur, District Jalandhar and Charanjit Kaur w/o Tarlochan Singh s/o S.Sarwan Singh r/o Village Atta, Tehsil Phillaur, District Jalandhar. Similarly, respondents/ complainants has also suffered statement that they have compromised the matter with the above named accused person. There is no grudge against the accused. The compromise is voluntarily, without any pressure or coercion.

The statement of I.O. Namely ASI Om Parkash No.384/ Jalandhar has been recorded in which he stated that there is only one accused namely Jaspreet Singh Mankoo in the present FIR and no any P.O.order has been passed by any Court against him in the present FIR and there is only one complainant/ victim namely Tarlochan Singh s/o Sarwan Singh r/o Village Atta, Tehsil Phillaur.

The undersigned have inquired from the accused person and complainants that if the compromise is with their free consent, to which they replied in affirmative. The compromise has been effected between the complainants

and accused person is voluntary, without any pressure or coercion and is genuine one.

The compliance report along with statements of parties recorded by the undersigned are submitted herewith for onward transmission to the Hon'ble Punjab and Haryana High Court, Chandigarh.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Phillaur, 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.0125 dated 24.06.2019 registered under Sections 406, 420 IPC at Police Station Goraya, Police District Jalandhar Rural, District Jalandhar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 22, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No