

PARAMVIR SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.P.S.Ahluwalia, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Lovepreet Singh Sidhu, Advocate for

Mr. S.S.Saini, Advocate for respondent Nos.2 to 4.

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.125 dated 12.07.2020 under Sections 452/365/323/506/148/149 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, as per the allegations levelled in the FIR, on 11.07.2020, the petitioners had inflicted injuries on the person of respondent Nos.2 to 4 and also abducted respondent No.2 in a car. However, after covering some distance, she was pushed out of the car.

On 12.05.2022, 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 12.05.2022, learned Judicial

Magistrate 1st Class, Fatehgarh Sahib has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ From their statement, it seems that the compromise between the parties is voluntary and is not the result of any pressure or coercion in any manner. There is one complainant namely Paramjeet Kaur and two eye witnesses namely Sikander Singh and Nirmal Singh and there are five accused namely Parmvir Singh, Manjot Singh, Manpreet Singh, Parvinder Singh and Gagandeep Singh. No accused has been declared proclaimed offender. Challan in the present FIR has not been presented.”

The copy of the receipt with regard to the deposit of the cost of Rs.5,000/- in terms of order dated 12.05.2022 with the District Legal Services Authority, Fatehgarh Sahib has also been annexed with the report.

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of compromise dated 08.09.2021 (Annexure P-2). The parties are relatives and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

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. 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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the dispute of the relatives

has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

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.125 dated 12.07.2020 under Sections 452/365/323/506/148/149 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib 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.

05.09.2022
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(VIVEK PURI)
JUDGE

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