

RUPINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Jagmeet Singh, Advocate for
Mr. Kulwinder Singh, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 44 dated 08.05.2021, under Sections 354/354-A/354-D/509/506 IPC 1860, registered at Police Station Ghall Khurd, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 26.10.2021, 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 26.10.2021, learned Judicial

submitted its report dated 25.11.2021, the relevant para whereof reads as under:-

*“ Rupinder Singh was the only accused in the present case and accused Rupinder Singh has not been declared **Absconding/Proclaimed Offender** in the present case.*

The compromise effected between the complainant Geetu Rani and accused Rupinder Singh seems to be genuine compromise and is a voluntary act of the parties without their being any sort of pressure or coercion from any corner.”

Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise dated 11.10.2021 (Annexure P-2). He further states that the petitioner and respondent No.2 are residents of same village.

Learned counsel for respondent No.2 has stated that he has no objection if FIR is quashed.

Keeping in view the fact that the parties are residents of same village, the amicable settlement effected between them will help in maintaining cordial relations between them in future.

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.

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. 44 dated 08.05.2021, under Sections 354/354-A/354-D/509/506 IPC 1860, registered at Police Station Ghall Khurd, District Ferozepur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

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

25.02.2022
renubala

(VIVEK PURI)
JUDGE

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