

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45347-2021

Date of Decision: 24.02.2022

JASWINDER KUMAR @ NEETU

... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Batra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. V.K.Kaushal, Advocate for respondent Nos. 2 to 4.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 31 dated 13.03.2015 under Sections 341, 506, 354 IPC registered at Police Station Nangal, District Rupnagar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 29.10.2021, notice of motion was issued and parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 29.10.2021, learned Judicial Magistrate First Class, Nangal, has recorded the statements of the parties and submitted his report, which reads as under:-

Hon'ble High Court, report is hereby submitted in terms of order dated 29.10.2021, as hereinunder:-

that, on examination of statements of both, complainant party as well as accused and contents of compromise Ex.C-1, the compromise effected between them appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.

that, as per the statement of ASI Balbir Singh Belt No.1423/R P.S. Nangal Distt. Rupnagar recorded on 10.12.2021 stating that in FIR No. 31 Dated 13.03.2015 U/S 354, 341, 506 of IPC, PS Nangal, Distt. Rupnagar, registered against Jaswinder Kumar @ Neetu. There is only one accused arrayed in the present FIR. As per the statement of complainant party as well as accused no other proceedings is pending against either of the party, Further, accused has never been declared as Proclaimed Offender.”

Learned counsel for the petitioner contends that dispute between the parties has been amicably settled in terms of the compromise, Annexure P-2. The parties are residents of the same area and the amicable settlement will help in maintaining cordial relations between them in future. This aspect of the matter has not been disputed by learned counsel for respondent Nos.2 to 4 and he has stated that he has no objection if the FIR is quashed.

After hearing 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 (Annexure P-2). The compromise is without any pressure and is 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

RCR (Criminal) 1052, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.***

Accordingly, the present petition is allowed and FIR No. 31 dated 13.03.2015 under Sections 341, 506, 354 IPC registered at Police Station Nangal, District Rupnagar and all the consequential proceedings arising therefrom are quashed qua the petitioner.

24.02.2022

Janki

(VIVEK PURI)
JUDGE

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