

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

CRM-M-3239-2021

Date of Decision: 15.05.2023

PRINCE KUNDAL AND ANOTHER

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Himanshu Puri, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Neeaj Jain, Advocate for
Mr. Sunny Singla, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No.26 dated 23.02.2019, under Sections 420, 120-B IPC, registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 25.01.2021, the 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.
3. In compliance of the order dated 25.01.2021, learned Chief Judicial Magistrate, Kapurthala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“4. It is further submitted that as per statement made on 22.04.2021 by ASI Satnam Singh No. 1425/Kpt (Investigation Officer of this case) FIR was registered against two person namely Harpreet Kundal and Prince Kundal. No accused has

been declared proclaimed offender in the said case nor any other accused is arrayed in present FIR.

5) So in this way, on the basis of the statements made by both the parties it has become crystal clear that:

a) There are two accused namely Harpreet Kundal and Prince Kundal arrayed in FIR. No accused has been declared proclaimed offender in the said case.

b) The compromise is genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioners contend that precisely the FIR has been registered on the allegations that the petitioners had received a sum of Rs. 3 Lakhs from respondent No.2 in a deceitful manner on the false pretext of sending him abroad. The monetary dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). As per the settlement, the entire outstanding amount has been paid by the petitioners to respondent No.2. The amicable settlement will help in maintaining cordial relations between them in future.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

6. 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.

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

8. 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***.

9. Accordingly, the present petition is allowed and FIR No. 26 dated 23.02.2019, under Sections 420, 120-B IPC, registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

15.05.2023

Janki

(VIVEK PURI)
JUDGE

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