

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

**CRM-M-4068-2021 (O&M)
Date of Decision: 13.02.2023**

JOGINDER SINGH **... PETITIONER**
V/S
STATE OF HARYANA AND OTHERS **... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Kohar, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Rajinder Yadav, Advocate for
Mr. Prateek Pandit, Advocate for respondent Nos. 2 to 12 .

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 177 dated 23.11.2020 under Sections 406, 420, 506 IPC, registered at Police Station Jhansa, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, as per the allegations in the FIR, the petitioner had been getting the amount from the people on account of premium towards LIC policies and had not been depositing the same with the Life Insurance Company.

At the earlier instance, the following report from the learned Illaqa Magistrate was received after recording the statements of the petitioner and respondent Nos. 2 to 7, 9 and legal representative of respondent No.8.

“As per the order of the Hon'ble High Court dated 29.01.2021 in the case titled "Joginder Singh Vs. State of

Haryana and others in CRM-M-4068-2021, the statements of both the parties i.e. complainants and the accused were recorded on 04.03.2021. The complainants namely Kamlesh, Parveen Kaur, Kamlesh, Ishwar, Sona Devi, Neelam, Prem and Prem (upon death of complainant Roshni Devi wife of Jagir Singh) as well as accused Joginder Singh appeared before the Court on 04.03.2021. In compliance of the order dated 29.01.2021 passed by the Hon'ble High Court, in letter and spirit, the statement of both these parties was recorded in duplicate.

(II) Both the parties have clearly stated that they have entered into the compromise voluntarily, without any pressure or fear of any kind.

(III) In the present case, one accused has been named in the FIR no.177 dated 23.11.2020, under Sections 406, 420 and 506 of IPC.

(IV) As per report of SHO, P.S Jhansa, there is no other accused except accused Joginder Singh arrayed in the present FIR.

(V) No other person is complainant or affected/ aggrieved party except complainants arrayed in the present FIR.

(VI) As per report of SHO, P.S Jhansa, there is no proclaimed offender in the abovesaid FIR.

(VII) In the present case, complainant Roshni Devi wife of Jagir Singh expired on 28.01.2021 and death certificate has been placed on the file by her son Prem (being LR of complainant Roshni Devi). In this regard, separate statement of complainant Prem (being LR of Roshni Devi) has been recorded on 04.03.2021.

(VIII) This court is of the considered view that the compromise has been reached voluntarily between the parties and both the parties have made their statements voluntarily without any threat, inducement or pressure.”

Subsequently, as pointed out by the learned State counsel, the respondents No.10 to 12 were also impleaded as they were also the aggrieved persons. Consequently, in terms of the order dated 21.12.2022, the parties were again directed to appear before the Trial Court/Illaq Magistrate to get their statements recorded in view of the newly added respondents and submit the report upon the validity of the compromise. The subsequent following report has also been received after recording the statements of respondent Nos. 10 to 12:-

“In view of the joint statement of the parties, this Court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring harmony and peace between the parties. The said compromise/ settlement is genuine and is not result of any pressure or coercion in any manner.”

Learned counsel for the petitioner contends that respondent Nos. 2 to 12 are the only aggrieved persons. The dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The petitioner and respondent Nos. 2 to 12 are the residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos. 2 to 12 have acknowledged the fact of compromise and learned State counsel, on instructions from SI Jagminder Singh, has also submitted that there is no other aggrieved person except respondent Nos. 2 to 12 in the present case. They have further stated that they have no objection if the aforementioned 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.

The controversy in the instant case does not indicate that the

same involves heinous or serious offences and furthermore, the private

dispute of the parties 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*.

Accordingly, the present petition is allowed and FIR No.177 dated 23.11.2020 under Sections 406, 420, 506 IPC, registered at Police Station Jhansa, District Kurukshetra and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

13.02.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No