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2023:PHHC:050492

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

CRM-M-4901-2023

Date of Decision: 12.04.2023

NAND LAL AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Kumar Singla, Advocate
for the petitioners.

Mr. Hitten Nehra, Addl. A.G., Punjab.

Mr. Joginder Sharma, Advocate
for respondent Nos. 2 and 3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 543 dated 10.11.2021 under Section 420/120-B IPC registered at police Station City Barnala, District Barnala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Status report by way of affidavit of Mr. Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala has been filed and the same is taken on record.

In compliance of the order dated 31.01.2023, learned Chief Judicial Magistrate, Barnala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“This court, after hearing the parties in person and
after going through the statements recorded in the court,

is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion. The statements got recorded by the parties along with statement of Investigating Officer ASI Darshan Singh and report of Ahlmad are enclosed herewith.”

Learned counsel for the petitioners contend that as per the allegations, the petitioners had received a sum of Rs. 5.5 lacs from respondent Nos. 2 and 3 for the purpose of sending respondent No. 3 abroad. The dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2) and a sum of Rs. 3 lacs has been returned to respondent Nos. 2 and 3 in full and final settlement of their claim. Furthermore the petitioners and respondent Nos. 2 and 3 were having cordial relations and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos. 2 and 3 has acknowledged this fact and has stated that he has 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. 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. 543 dated 10.11.2021 under Section 420/120-B IPC registered at police Station City Barnala, District Barnala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.04.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No