

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

**CRM-M-4917-2023
Date of decision: 11.05.2023**

SUKHVIR SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.C.S.Singhal, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Sunil Kumar Pandey, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.92 dated 04.10.2020 under Sections 420/34 IPC, registered at Police Station City Banga, SBS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 31.01.2023, 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.
3. 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.
4. In compliance of the order dated 31.01.2023, learned Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ASI Ram Lal further stated that as per record, there

are two persons arrayed as accused in this case, namely 1) Sukhbir Singh s/o Inder Singh 2) Manjit Singh s/o Mohinder Singh, both residents of village Chak Ramu, PS Behram, District SBS Nagar and further, as per the version of statement of ASI Ram Lal, apart from these above said accused persons, no other person has been arrayed as accused in the present case and there is only one complainant/victim namely Jaswinder Kaur w/o late Raghvir Singh r/o village Chak Ramu, PS Behram, District SBS Nagar, who is party to the compromise as well as party in the petition bearing no.CRM-M-4917-2023 titled as "Sukhvir Singh and another versus State of Punjab and another" pending before Hon'ble Punjab and Haryana High Court, Chandigarh. Further, as per version of statement of ASI Ram Lal, as per record, no person from the aforesaid two accused persons is declared proclaimed person in this case and there is no other criminal case registered or pending against accused/petitioners namely Sukhvir Singh and Manjit Singh and apart from the aforesaid accused persons and complainant namely Jaswinder Kaur, no other accused or aggrieved person is involved in the present case.

From the statements made by the parties, this court is satisfied that the complainant/respondent No.2 namely Jaswinder Kaur has entered into compromise with the aforementioned accused/petitioners namely Sukhvir Singh and Manjit Singh, voluntarily, without any inducement, coercion or pressure etc."

5. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that petitioner No.1 had got executed a transfer deed in a fraudulent manner from the father-in-law of respondent No.2. Petitioner No.1 is the brother-in-law of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise dated 11.01.2023 (Annexure P-2). The parties are close relatives and an amicable settlement will help in maintaining cordial relations between them in future.

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

7. 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.
8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute of the close relatives 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.
9. 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***.
10. 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. 92 dated 04.10.2020 under Sections 420/34 IPC, registered at Police Station City Banga, SBS Nagar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.
11. Resultantly, with the above-said observations made, the instant petition stands allowed.

11.05.2023

renubala

(VIVEK PURI)
JUDGE