

CRM-M-5929-2021

Date of decision: 16.01.2023

LABH SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shailender Singh Gill, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Mr. Gurmail Singh, Advocate for respondent No.2/complainant.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.99 dated 23.05.2018 under Sections 406/506 IPC, registered at Police Station Kaithal Sadar, Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.02.2021, 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.

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.

In compliance of the order dated 22.02.2021, learned Additional Chief Judicial Magistrate, Kaithal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) As per the statement of parties recorded as well as the compromise deed, it seems that the compromise has been effected between the parties without any

pressure, coercion and free will.

(ii) That the accused Labh Singh alias Major Singh is on bai in the present case.

(iii) That as per report submitted by State, there is no other case against the accused Labh Singh alias Major Singh, except the present case.”

Learned counsel for the petitioner contends that FIR has been registered on the allegations that petitioner had misappropriated the bore well machine of the complainant. The dispute has been amicably settled between the parties with the intervention of the respectables in terms of compromise dated 29.01.2021 (Annexure P-2). The amicable settlement will help in maintaining cordial relations between them in future.

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

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.

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.

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.

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.99 dated 23.05.2018 under Sections 406/506 IPC, registered at Police Station Kaithal Sadar, Kaithal all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

16.01.2023

renubala

(VIVEK PURI)
JUDGE

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