

2023 : PHHC : 049290

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6997-2023 (O&M)
Date of Decision: 11.04.2023

VEERPAL KAUR AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Jakhal, Advocate, for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Anil K. Sokal, Advocate for
Ms. Kiranjeet Kaur, Advocate, for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.93 dated 21.07.2019 under Sections 420/384/389/323/342/120-B IPC registered at Police Station City Jalalabad, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that petitioner No.1 was employed at the shop of respondent No.2. On 20.07.2019, the petitioners entered the house of respondent No.2, gave beatings and snatched a sum of Rs. 58,400/- along with RC of the car, Aadhar Card, Driving Licence and mobile phone.

On 09.02.2023, 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.

In compliance of the order dated 09.02.2023, learned Sub Divisional Judicial Magistrate, Jalalabad (West) has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. In the present case as per the statement of Investigating Officer, there are only three accused namely Veerpal Kaur, Gurmeet Singh and Jagsir Singh arraigned in the above said FIR.

2. In the present case as per statement of Investigating Officer no accused is proclaimed offender in this case.

3. As per the statement of the parties, compromise is genuine, voluntary and without any coercion or undue influence of the parties.

4. In the present case as per the statement of Investigating Officer no accused persons are involved in any other case except the present case.

5. In the present case as per the statement of Investigating Officer there is only one complainant namely Des Raj son of Ganesha Ram, and statement of Investigating Officer is also recorded separately. ”

Learned counsel for the petitioners contend that the FIR has been registered on account of monetary dispute and the same has been amicably settled between the parties in terms of compromise, Annexure P-2. Petitioners No. 1 and 2 and respondent No.2 are the residents of the same locality and amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 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 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*.

Accordingly, the present petition is allowed and FIR No. 93 dated 21.07.2019 under Sections 420/384/389/323/342/120-B IPC registered at Police Station City Jalalabad, District Fazilka and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

11.04.2023

Janki

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No