

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023 : PHHC : 064950

CRM-M-10816-2023

Date of Decision: 05.05.2023

ANKUR KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Khosa, Advocate for the petitioner.

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

Mr. G.S.Sandhu, Advocate for

Mr. HPS Sidhu, Advocate for respondent Nos.2 to 6.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 11 dated 12.01.2021 under Sections 420, 460 IPC, registered at Police Station Samrala, District Khanna and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 01.03.2023 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.
3. In compliance of the order dated 01.03.2023, learned Addl. Civil Judge (Sr. Division)-cum-SDJM, Samrala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“i) That there is only one accused in the present case namely Ankur Kumar.

ii) That as per statement of Investigating Officer, SI Joginder Singh, No.331/Khanna, none of the accused is proclaimed offender.

iii) That considering the statements of complainant party as well as the accused, the compromise seems genuine and voluntary in nature and without any coercion or undue influence.

(iv) That as per statement of Investigating Officer SI Joginder Singh, No.331/Khanna accused Ankur Kumar son of Munish Kumar is involved in another FIR No.32 dated 17.02.2021 under Section 420, 406 IPC, P.S. Samrala.

(v) As per the statement of Investigating Officer SI Joginder Singh, No.331/Khanna there are five victims/complainants in the present FIR namely Sukhjit Singh, Sukhwinder Singh, Jagjeet Singh, Jagir Singh and Sadiq Ahmad. ”

4. Learned counsel for the petitioner contends that the FIR has been registered on the allegations that fake air tickets were handed over to respondent Nos. 2 to 6 by the petitioner and he had deceitfully received a sum of Rs. 6,92,000/- from them. It has been submitted that the allegations are also levelled against Tarlochan Singh and Aman but the FIR has been registered only against the petitioner. In fact, the petitioner could not arrange for the air tickets and consequently, the case has been registered. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The amicable settlement will help in maintaining cordial relations between them in future. Though the petitioner is involved in another case under Sections 420 and 406 IPC but his criminal liability will be adjudicated during the course of trial in the said case.

5. Learned counsel for respondent Nos.2 to 6 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

6. 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.

7. 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.

8. 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***.

9. Accordingly, the present petition is allowed and FIR No. 11 dated 12.01.2021 under Sections 420, 460 IPC, registered at Police Station Samrala, District Khanna and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

05.05.2023

Janki

(VIVEK PURI)
JUDGE

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