

2023:PHHC:052933

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11670-2022

Date of Decision: 17.04.2023

GURDAS SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Sidhu, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. T.S.Hundal, Advocate for respondent No. 2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 149 dated 19.09.2015 registered under Sections 420, 467, 468, 471 of the Indian Penal Code, at Police Station Dayalpura, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.04.2022 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 04.04.2022, learned Judicial Magistrate First Class, Phul has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. As per FIR, there are only two persons arrayed as accused.

2. As per record, none of the the accused has been declared as proclaimed offender.

3. All the parties named in the FIR have made their statements regarding the compromise.
4. The compromise arrived at between the complainant Satpal Singh as well as accused Gurdas Singh and Pargat Singh is genuine, voluntary and without any coercion or undue influence, being outcome of their free will and consent.
5. As per report of Ahlmad, the accused have not been involved in any other case, except the present one.
6. The accused are on bail, challan has been presented and the case is fixed for prosecution evidence.”

Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had sold an Innova car to respondent No.2 and had also passed on a fake insurance certificate. It has been submitted that the matter has been amicably settled between the parties in terms of the compromise, Annexure P-2. The compromise has been effected with the intervention of the respectables and it 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. 149 dated 19.09.2015 registered under Sections 420, 467, 468, 471 of the Indian Penal Code, at Police Station Dayalpura, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

17.04.2023

Janki

(VIVEK PURI)
JUDGE

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