

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14271-2022
Date of Decision: 24.04.2023

JASWANT RAI AND ANR ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Amit Kumar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0026 dated 06.02.2020 under Sections 420 and 406 IPC registered at Police Station City Gurdaspur, Tehsil and District Gurdaspur and all the consequential proceedings arising therefrom on the basis of compromise.

2. On 22.02.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 22.02.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Gurdaspur has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It is submitted that challan in this case has already been presented. Two persons namely, Jaswant Rai and Rozy, are arraigned as accused in the present FIR. No person has been declared as proclaimed offender in the present FIR case. In the present FIR, there is only one victim/complainant namely Baldev Singh Dhupad. No other proceeding against the

accused/petitioners is pending in the Police Station City Gurdaspur, as per statement of Investigating Officer.

The compromise is genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners being owners of a property had entered into an agreement to sell the same with respondent No.2. The property is stated to be mortgaged with the bank and it had also been alleged that at the earlier instance, the petitioners had entered into an agreement to sell the same property with Deepak Saini. The dispute is primarily civil in nature and the same has been amicably settled between the parties in terms of compromise dated 21.08.2021 (Annexure P-4). A sum of Rs.15,00,000/- has been paid by the petitioners to respondent No.2 in full and final settlement of her claim. The parties are the residents of same locality and the amicable settlement will help in maintaining the cordial relations between them in future.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.

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. 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. 0026 dated 06.02.2020 under Sections 420 and 406 IPC registered at Police Station City Gurdaspur, Tehsil and District Gurdaspur and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

24.04.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No