

CRM-M-20544-2022

Date of decision: 16.01.2023

VIJAY KUMAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Vinni Mahajan, Advocate for
Mr. Kanwar Pahul Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Komal, Advocate for
Dr. Rabia Gund, Advocate for respondent No.2.

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.170 dated 23.11.2019 under Sections 451/380 IPC (Sections 411/201 IPC, 1860 added later on), registered at Police Station E Division, Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.05.2022, 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 13.05.2022, learned Additional Chief Judicial Magistrate has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. That as per statements of IO ASI Harinder Singh,

of complainant Kewal Kumar and as per record, only one person namely Vijay Kumar, son of Piara Lal is arrayed as accused in the present FIR.

2. That as per statement of IO ASI Harinder Singh, accused Vijay Kumar was never declared Proclaimed Offender.

3. That the compromise effected between complainant/aggrieved and accused person is genuine, voluntary, out of free will and without any coercion or undue influence.

4. As per statement of IO ASI Harinder Singh, there is no other FIR registered against the accused in Police Station E Division, Amritsar.

5. That as per statement of investigating officer ASI Harinder Sinng, Kewal Kumar, son of Chirag, is the only victim/complainant in the present FIR.”

Learned counsel for the petitioner contends that the FIR has been registered on the allegations that the petitioner had committed the theft of some articles of the complainant which were kept in the premises where the petitioner is a tenant in a portion thereof. Although, the petitioner along with 05 other persons were named in the complaint but the FIR has been registered only against the petitioner. It is a landlord and a tenant dispute and the same has been amicably settled between them. Annexure P-2 is the affidavit of the complainant in this regard. The amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 states that she 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

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. 170 dated 23.11.2019 under Sections 451/380 IPC (Sections 411/201 IPC, 1860 added later on), registered at Police Station E Division, Amritsar and 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

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(VIVEK PURI)
JUDGE

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