

CRM-M-23577-2019(O&M)
Date of decision: 24.01.2023

MANOJ KUMAR AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surinder Thakur, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Nitin Verma, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioners have has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.124 dated 19.06.2018 under Section 420 IPC, registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.05.2019, 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 22.05.2019, learned Sub Divisional Judicial Magistrate, Garhshankar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“(i) The statements were made by complainat
Rupinder Kaur wife of Sanjeev Kumar R/o Village*

Alipur, Tehsil Garhshankar and accused/petitioners Manoj Kumar and Sonia Walia are bonafide and made voluntarily, without pressure or coercion.

(ii) The compromise seems to be genuine and valid;

(iii) Complainant had got the FIR registered against Sonia Walia d/o Gurmeet Chand r/o village Sangatpur, PS Rawalpindi, Tehsil Phagwara, District Kapurthala and Manoj Kumar son of Gurmail Chand r/o village paddi Jagir PS Goraya, District Jalandhar. No other person was arrayed as accused. The compromise has been effected between complainant and both the accused. There is no other injured party in this case.

(iv) As per statement made before the Court by IO/SI Jasbir Singh No.137/HPR, no other case is pending between instant complainant and the accused.

(v) None of the accused has been declared proclaimed offender in this case.

(vi) None of the accused/petitioners are previous convict as per record of P.S. Garhshankar.”

Learned counsel for the petitioners contend that the allegations in the FIR are to the effect that the petitioners had received a sum of Rs.2,50,000/- from respondent No.2 on the false pretext of sending her abroad. The dispute has been amicably settled between the parties in terms of compromise deed dated 16.05.2019 (Annexure P-2). The disputed amount has been received by respondent No.2. Petitioner No.1 is the husband of petitioner No.2. Petitioner No.2 and respondent No.2 were on friendly relations and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 states that he 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 pressure and 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*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, 124 dated 19.06.2018 under Section 420 IPC, registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

24.01.2023
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(VIVEK PURI)
JUDGE

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