

CRM-M-31992-2022

Date of decision: 22.02.2023

RAHUL RALHAN @ RAVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Kumar Garg, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Kushagra Mahajan, 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.052 dated 20.04.2022 under Sections 406/420 IPC , registered at Police Station Mataur, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.07.2022, 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 25.07.2022, learned Additional Chief Judicial Magistrate, SAS Nagar, Mohali has recorded the statements of the parties and the Investigating Officer and submitted the report to the effect that there is only one person who has been arraigned as an accused, who is neither

absconding nor declared as proclaimed offender. It has been further reported that there is only one complainant/victim. Both the parties had appeared before the trial Court and made a statement supporting the compromise. The Investigating Officer had reported that the matter is still under investigation. Consequently, the learned Magistrate had sent the report to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. It has also been reported that no other criminal case is pending against the petitioner as per the official record of Police Station Mataur.

Learned counsel for the petitioner contends that precisely, the allegations against the petitioner are to the effect that complainant/respondent No.2 had been running a consultancy for the purpose of sending the students abroad and the petitioner had deceitfully received a sum of Rs.2,16,000/- from respondent No.2 on the false assurance of arranging loans for the students. The dispute has been amicably settled between the parties in terms of compromise dated 18.07.2022 (Annexure P-2). A sum of Rs.4,00,000 has been paid to respondent No.2 by the petitioner in full and final settlement of his claim 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, FIR No.052 dated 20.04.2022 under Sections 406/420 IPC , registered at Police Station Mataur, District SAS Nagar 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.

22.02.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No