

235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 10.02.2023

1. CRM-M-33233-2022

KAMALPREET SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

2. CRM-M-35099-2022

AKASH SHARMA ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Bhinder, Advocate for
Mr. Ashish Nagar, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Ms. Vibha, Advocate for respondent No. 2 .

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VIVEK PURI, J. (ORAL)

This order shall dispose of CRM-M-33233-2022 and CRM-M-35099-2022.

Present petitions under Section 482 Cr.P.C. are for quashing of FIR No. 57 dated 29.06.2022 under Section 379 IPC, registered at Police Station Sadar Nawanshahr, District Shaheed Bhagat Singh Nagar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that the

petitioners had committed theft of Maruti car of respondent No.2.

On 08.08.2022/09.08.2022 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 08.08.2022/09.08.2022, learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. Only two persons namely Akash Sharma and Kamalpreet Singh @ Kamal have been arrayed as accused in the present FIR.

2. No accused is a proclaimed offender in the present case.

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

4. Investigation is complete, and challan has already been presented in the Hon'ble Court.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The petitioners are not involved in any other case. The amicable settlement will help in maintaining cordial relations between them in future.

Learned counsels for respondent No.2 have acknowledged this fact and have stated that they have 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 of the parties 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 petitions are allowed and FIR No. 57 dated 29.06.2022 under Section 379 IPC, registered at Police Station Sadar Nawanshahr, District Shaheed Bhagat Singh Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

10.02.2023

Janki

(VIVEK PURI)
JUDGE

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