

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023 : PHHC : 064960

CRM-M-38372-2020
Date of Decision: 05.05.2023

LAKHBIR SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Narender Kaajla, Advocate for
Mr. Vikram Bali, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Vikas Kumar Gupta, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 132 dated 19.05.2020 registered under Sections 384, 385, 388, 506, 379, 120-B of the Indian Penal Code, at Police Station City Malout, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. Learned counsel for the petitioner contends that precisely the FIR has been registered on the allegations that the petitioner had demanded Rs. 60 Lakhs from respondent No.2 by blackmailing her on account of some video footage available with him.

3. On 19.11.2020, 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.

4. In compliance of the order dated 19.11.2020, learned Sub

Divisional Judicial Magistrate, Malout has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“From the statements made by the parties, this court is satisfied that aforesaid statements have been made by complainant Nirmal Kaur and accused Lakhbir Singh are voluntarily, without any threat or any undue influence. It is further submitted that as per report of ASI Pala Singh, there is only one accused namely Lakhbir Singh in the present case and he has also not been declared as proclaimed offender.”

5. Learned counsel for the petitioner contends that the dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). Both the parties are residents of the same locality and amicable settlement will help in maintaining cordial relations between them in future.

6. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

7. Learned State counsel, on instructions from ASI Karnail Singh, submits that the cancellation report has been prepared and approved in April, 2023 but the same is yet to be submitted in the Court.

8. 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.

9. 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.

10. 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***.

11. Accordingly, the present petition is allowed and FIR No.132 dated 19.05.2020 registered under Sections 384, 385, 388, 506, 379, 120-B of the Indian Penal Code, at Police Station City Malout, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

05.05.2023

Janki

(VIVEK PURI)
JUDGE

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