

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46784-2021

Date of Decision: 22.05.2023

NAVDEEP

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Monu Khan, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Arnav Ghai, Advocate for
Ms. Mahima Dogra, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 128 dated 11.10.2019 under Sections 457, 380, 408 IPC, registered at Police Station Phase-8, Mohali, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 23.09.2022 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.
3. In compliance of the order dated 23.09.2022, learned Judicial Magistrate First Class, SAS Nagar, Mohali has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. As per record and statement of IO, there is only one accused namely Navdeep.

2. Accused and complainant are party to the compromise.

3. As per the statement of the IO, accused has not been declared as proclaimed offender nor any proceedings have been initiated against u/s 82 Cr.PC against the accused.

4. Present case is pending at the stage of investigation.

5. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily, out of their free will and same seems to be genuine without any coercion and undue influence.”

4. Learned counsel for the petitioner contends that the petitioner was working as a Nurse in Fortis hospital where respondent No.2 was working as a Doctor. The allegations are with regard to theft of cash during the different period of time to the tune of Rs. 6 Lakhs attributed against the petitioner. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The amicable settlement will help in maintaining cordial relations between them in future.

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

6. 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.

7. 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.

8. 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*.

9. Accordingly, the present petition is allowed and FIR No. 128 dated 11.10.2019 under Sections 457, 380, 408 IPC, registered at Police Station Phase-8, Mohali, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

22.05.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No