

CRM-M-39711-2019
Date of Decision: 04.01.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Rajni Rohilla, Advocate
for respondents No.2 and 3.

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In compliance of the order dated 17.09.2019, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Sirsa has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The Investigating Officer of the present FIR namely SI Raghbir Singh now posted at State Crime Unit, Fatehabad also appeared before the Court and got his statement recorded to the effect that investigation of case FIR No.181/2017, under Section 406, 420, 34 IPC, P.S.Sadar Sirsa was conducted by him and in the aforesaid case only

accused Jaswinder Kaur and Gurpreet Kaur were challaned, whereas accused Subhash and Manpreet Kaur were found innocent. He further stated that none of the accused is proclaimed offender in the aforesaid case and Saravjeet Kaur and Sambhavna are complainant/victims of the aforesaid case. He further stated that as per his record no other case is registered against the accused at Police Station, Sadar Sirsa.

From the statements as well as oral examination of parties, this Court is of the opinion that the matter in question has been compromised between the parties without any fear, coercion, inducement or threat. It further reveals that the compromise is genuine, voluntary and effected with free will and without any coercion or undue influence. ”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2, colly). The amount which was received by the petitioners has been returned to respondents No. 2 and 3. The monetary dispute has been amicably settled between the parties. The amicable settlement will help in maintaining the cordial relations between the parties. He further submits that as per the report, the petitioners No. 3 and 4 have been found to be innocent during the course of investigation and challan has been presented only against petitioners No. 1 and 2. Accordingly, learned counsel for the petitioners seeks to withdraw the petition qua petitioners No. 3 and 4.

Ordered accordingly.

Learned counsel for respondents No.2 and 3 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the 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. 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.181 dated 30.09.2017 under Sections 406, 420 and 34 IPC registered at Police Station Sirsa Sadar, District Sirsa and all the consequential proceedings arising therefrom are ordered to be quashed, however, qua petitioners No. 1 and 2 only.

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

04.01.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No