

CRM-M-57868-2022

Date of decision: 22.02.2023

MANJINDER SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sudhanshu Khanna, Advocate for
Mr. Amarjit Khanna, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Vishal Gaur, Advocate for respondent Nos.2 & 3.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.176 dated 31.10.2015 under Sections 420/120-B/406/465/467/468/471 IPC, registered at Police Station Nehianwala, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.12.2022, 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 13.12.2022, learned Judicial Magistrate 1st Class, Bathinda has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. It is respectfully submitted that there are two accused persons namely Manjinder Singh and Gurvinder Kaur arrayed in the present FIR No.176 dated

31.10.2015 under Sections 420/120-B/406/465/467 /468/471 of Indian Penal Code, 1860 was lodged with the police station Nehianwala, District Bathinda.

2. As per record and statement of investigating officer, no accused has been declared as proclaimed offender.

3. It is respectfully submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between the parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

4. As per record and statement of investigating officer, accused are not involved in any other case.

5. It is further submitted that statement of Investigating Officer namely ASI Gurmail Singh is recorded and as per record and statement of investigating officer, there is (sic. are) two complainants/victim namely Labh Singh and Mahinder Singh in the present FIR.”

Learned counsel for the petitioners contend that an application was submitted against petitioner No.1, his wife-Rupinder Kaur and son, Harry. During the course of investigation, Rupinder Kaur and Harry were found innocent and petitioner No.2 who is sister-in-law of petitioner No.1 was arraigned as an accused. Precisely, the allegations against the petitioners are to the effect that petitioner No.1 had taken an Innova vehicle of respondent Nos.2 and 3 for domestic use and committed breach of trust thereof. Petitioner No.1 is a former Bank Manager of Cooperative Bank and the act is not in any manner connected in discharge of his official duties. The dispute has been amicably settled between the parties in terms of compromise dated 17.12.2019 (Annexure P-2). Annexure P-3 is the affidavit of respondent Nos.2 and 3. The parties are previously known to each other 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 f

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. 176 dated 31.10.2015 under Sections 420/120-B/406/465/467/468/471 IPC, registered at Police Station Nehianwala, District Bathinda and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

22.02.2023
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(VIVEK PURI)
JUDGE