

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-95-2023
Date of Decision: 13.04.2023

ANIL GUPTA @ ANIL KUMAR AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gyan Parkash, Advocate for
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Naveen Kumar, Advocate
for respondent No. 2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 300 dated 15.09.2022 under Sections 381, 34, 411 and 201 IPC, registered at Police Station Derabassi, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 17.12.2022 (Annexure P-2).

In compliance of the order dated 06.01.2023, learned Sub-Divisional Judicial Magistrate, Dera Bassi has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. As per FIR, statement of parties and Investigating Officer, number of persons arraigned as accused in FIR is

two i.e. Anil Gupta alias Anil Kumar and Mohinder Pal Singh.

2. As per statement of accused persons and Investigating Officer, no accused is Proclaimed Offender in present case.

3. As per the statement of parties, the compromise entered upon between the parties is genuine, voluntary, and without any coercion or undue influence.

4. As per the statement of accused persons and Investigating Officer, the accused persons are not involved in any other case.

5. As per the statement of the Investigating Officer, there is only one victim/complainant i.e. Ranbir Singh Rana, in the FIR”.

Learned counsel for the petitioners contend that the petitioners were employees of M/s S.P. Singla Construction Pvt. Ltd. and respondent No. 2 is working as Senior Manager. The FIR has been registered on the allegations that the petitioners had stolen iron shuttering plates and and scrap belonging to the construction company. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioners are no more in the employment of aforesaid company and amicable settlement will help in maintaining cordial relations between the parties in future and furthermore, for the petitioners in pursuing further avocation.

Learned counsel for respondent No. 2 has acknowledged the fact of compromise and stated that he has 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. 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 petition is allowed and FIR No. 300 dated 15.09.2022 under Sections 381, 34, 411 and 201 IPC, registered at Police Station Derabassi, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

13.04.2023

manoj

(VIVEK PURI)**JUDGE***Whether speaking/reasoned : Yes/No*

Whether reportable : Yes/No