

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-11046 of 2019.

Date of Decision: December 11, 2019.

Jaspreet Singh and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE VIVEK PURI.

Present: Mr.G.S.Nahul, Advocate, for the petitioners.

Mr.Kirat Singh Sidhu, DAG, Punjab.

Mr.R.S.Sidhu, Advocate, for respondent No.2.

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Vivek Puri, J. (Oral)

Petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of quashing of F.I.R. No.27 dated 5.2.2019 registered under Sections 452, 427, 323, 34 IPC at Police Station City Sangrur, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion was issued on 11.03.2019 and following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.27 dated 5.2.2019 registered under Sections 452, 427, 323, 34 IPC at Police Station City Sangrur, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the respondent No.1 and Mr.R.S.Sidhu, Advocate has entered appearance on behalf of the respondents No.2. Counsel for the petitioner undertakes to supply requisite copy of the paper book to the opposite parties during the course of the day.

To come up on 29.4.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/CJM on 1.4.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

In compliance of the order dated 11.03.2019, both the parties have appeared before the Chief Judicial Magistrate, Sangrur and got their statements recorded. The Chief Judicial Magistrate, Sangrur after recording the statements of the parties, has sent his report dated 02.04.2019, the relevant part of which reads as under:-

“The compromise as per statements of complainant Amit Chaudhary and accused Jaspreet Singh alias Jassi, Lovepreet Singh alias Lovely, Rupinder Kaur alias Raju and Ravinder Singh alias Bobby has been arrived at voluntarily and without any coercion, pressure or undue

influence between them.

It is further submitted that only FIR has been received by the Court of undersigned in the present case and as per the statements of the parties neither any proclamation proceedings nor any criminal case is pending against them.”

After hearing the learned counsel for the parties and going through 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 an out of the Court settlement by way of compromise (Annexure P-2). The compromise is without any pressure and a genuine one. Moreover the injuries attributed fall under Section 323 IPC only. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

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, F.I.R. No.27 dated 5.2.2019 registered under Sections 452, 427, 323, 34 IPC at Police Station City Sangrur, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, are ordered to be quashed, however, qua the petitioners only.

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

December 11, 2019

mohinder

(VIVEK PURI)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No