

CRM-M-18511-2019

Date of decision: 02.03.2020

BACHITTAR SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. M.S. Basra, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

Mr. Anupinder Singh Brar, Advocate
for respondent No.2/complainant.

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. 47 dated 01.08.2017, under sections 323, 324, 325, 34 IPC registered at Police Station Shri Hargobindpur, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.11.2019, 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 his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 28.11.2019, learned Judicial Magistrate 1st Class, Batala has recorded the statements of the parties and

“ Pursuant to the order dated 28.11.2019 passed by the Hon’ble High Court in Criminal Misc. M-18511-2019 titled as Bachittar Singh and another Vs. State of Punjab and another, report is hereby submitted to the effect that the statements of complainant/respondent Manohar Singh son of Avtar Singh resident of Village Dhirowal, Tehsil Batala, District Gurdaspur and accused/petitioners namely Bachittar Singh son of Santokh Singh and Jaspreet Kaur @ Silpi wife of Bachittar Singh residents of Village Dhirowal, Tehsil Batala, District Gurdaspur recorded on 15.01.2020. This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of concerned Investigating Officer ASI Bikramjit Singh No. 1526/Batala, P.S., Sri Hargobindpur recorded. It is stated by concerned Investigating Officer that all the accused, complainant and injured are party to the compromise. It is further stated by Investigating Officer concerned that no other case is pending against either of the parties. It is further stated by concerned Investigating Officer that no person involved in this case/dispute has been declared proclaimed offender”.

Briefly, the allegations against the petitioners are to the effect that on 18.07.2017, they had inflicted injuries on the person of respondent No.2/complainant. The parties are stated to be residents of the same village.

Compromise has been effected between the parties.

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

the Court, by way of compromise (Annexure P-2). 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.

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. 47 dated 01.08.2017, under sections 323, 324, 325, 34 IPC registered at Police Station Shri Hargobindpur, District Gurdaspur 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.

02.03.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No