

CRM-M-26244-2019

Date of decision: 03.02.2020

KULWANT SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Gulzar Mohammad, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

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**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. 19 dated 01.03.2019, under sections 323, 341, 427, 148, 149 IPC registered at Police Station Kartarpur, District Jalandhar (Rural) and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the allegations are to the effect that on 01.03.2019, at about 10.00 am, the petitioners came to the shop of respondent No.2 and inflicted injuries on his person. The injuries are stated to be under Section 323 IPC.

On 01.07.2019, notice of motion was issued and parties were directed to appear before the Trial Court/Illaqha 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 01.07.2019, learned Judicial

submitted his report, the relevant para whereof reads as under:-

“ As per the FIR there are total nine persons namely Kulwant Singh, Shinder, Mukhdial, Akashdeep son of Kulwant, Pankaj, Tejpal, Jeevan, Satnam and Harjit arrayed as accused and their trial has not been commenced as the police report has not been filed in this case yet.

The police report (challan) has not been presented yet.

As per the statement of complainant and accused they have entered into compromise with their free consent and without any pressure, coercion, undue influence and inducement from any quarter. The said compromise seems to be genuine, voluntary and without any coercion or undue influence”.

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 (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. 19 dated 01.03.2019, under sections 323, 341, 427, 148, 149 IPC registered at Police Station Kartarpur, District Jalandhar (Rural) and all

the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

03.02.2020  
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(VIVEK PURI)  
JUDGE

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