

**259-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-42093-2019
Date of decision: 03.03.2020**

ANWAR AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vineet Sachdeva, Advocate
 for the petitioners.

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

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. 218 dated 12.09.2019 under sections 452,323,324,427,148,149 IPC registered at Police Station City Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 30.09.2019, 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 30.09.2019, learned Chief Judicial Magistrate, Ferozepur has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ Complainant, Gurbhinder Singh,
 Balwinder Kaur and Varinder Singh

recorded their respective statement that the present FIR, was registered at the instance of Gurbhinder Singh and they have effected compromise in the present case with the accused namely, Anwar, Satish Kumar @ Kaka, Ramesh Kumar @ Sonu, and Monu, voluntarily with the intervention of the respectables of locality without any inducement, pressure or threat. They have further stated that they have no objection, if as per the compromise, the proceeding in the above said FIR are quashed against the petitioners/accused. Similarly, the accused named above suffered statement to the aforesaid effect. They have been duly identified by their Counsel.

Copies of statement of complainant, his companions named above, and that of accused named above, is enclosed herewith.

Further, as desired, it is being specifically reported that from the perusal of statement of parties, it appears that the parties have entered into a valid and genuine compromise, which is voluntarily and bonafide, and out of free will of the parties, without any pressure or undue influence. In this context, statement of IO, SI Amandeep Kamboj has been recorded separately who has specifically made statement that all the complainant/injured as well as all accused are party in the present petition, and no other case is pending against either party, besides no accused is P.O. in the case, besides, none of the petitioner(s) is/are previous convict, as per record”.

Precisely, the allegations to the effect that on 10.09.2019 the petitioners had inflicted injuries on the person of respondents No.2 to 4. The FIR has been registered with regard to the offences under Sections 452,324,323,427,148 &149 IPC. The parties are stated to be neighbours and the compromise has been effected between them.

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-3). 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. 218 dated 12.09.2019 under sections 452,323,324,427,148,149 IPC registered at Police Station City Ferozepur 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.

03.03.2020
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(VIVEK PURI)
JUDGE

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