

CRM-M-44263-2019

Date of decision: 03.02.2020

LAKHWINDER SINGH @ LAKHA AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Gursimran Singh Madaan, Advocate
for the petitioners.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

Ms. Manjeet Kaur, Advocate for
Mr. Prince Pushpinder Rana, Advocate
for respondent No.2.

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. 348 dated 25.11.2017, under sections 323, 324, 326, 295, 341, 506 and 34 IPC registered at Police Station Kotwali, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the allegations are to the effect that on 14.11.2017, at about 05.15 pm the petitioners had inflicted injuries on the person of respondent No.2.

It has been stated that the offence under Section 326 IPC has been deleted.

On 17.10.2019, notice of motion was issued and 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 its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 17.10.2019, learned Judicial Magistrate 1st Class, Kapurthala has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ In view of the order dated 17.10.2019 passed by the Hon’ble High Court, statements of the parties i.e. Lakhwinder Singh @ Lakha, Sukhwinder Singh @ Mithu and Balvir Singh @ Bobby petitioners-accused and Harnesh Singh, complainant-respondent, have been recorded. They both stated that they have effected compromise with each other with their free will and without any threat, duress or coercion. The parties were identified by the Advocate Sh. Kanwaljeet Singh Jaura and Sh. Haranmol Singh, Advocates. Besides, I have also personally talked to both the parties present in the Court regarding compromise and after talking to them, I am satisfied that the compromise between the parties have been effected voluntarily and with their free will and consent, and I do not find any element of threat, coercion or duress in this regard. With your kind permission it is humbly added that none of the petitioners abovesaid CRM has been declared as proclaimed offender. The original statements of the parties are sent herewith for kind perusal by your goodself. The report is submitted accordingly”.

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. 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. 348 dated 25.11.2017, under sections 323, 324, 326, 295, 341, 506 and 34 IPC registered at Police Station Kotwali, District Kapurthala 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