

CRM-M-54509-2019

Date of decision: 03.03.2020

NIRMAL SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Amit Dhawan, 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. 176 dated 24.10.2019 under sections 447, 511, 506, 336, 148, 149 of IPC, 1860 and Sections 25, 27 of Arms Act, 1959, in which offences under sections 324, 326 of IPC, 1860 were added later on, registered at Police Station Mehatpur District Jalandhar Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.12.2019, 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 19.12.2019, learned Judicial Magistrate 1st Class, Nakodar has recorded the statements of the parties and

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

“ In compliance of the said directions passed by the Hon’ble High Court, on 21.01.2020, Harjinder Singh @ Pindu and Harjit Singh complainants alongwith accused Nirmal Singh, Bakhtawar Singh, Kulwant Singh, Harpal Singh, Simranjit Singh, Nachatar Singh, Harbhajan Singh, Bhupinder Singh and Harpreet Singh appeared before this Court and requested for making statements with regard to the compromise effected between them in case FIR No. 176 dated 24.10.2019 under sections 447, 511, 506, 336, 148, 149 IPC and Sections 25, 27 of Arms Act in which offences under Sections 324 and 326 IPC were added, PS Mehatpur. Statements of both the parties were got recorded.

Further, I have the honour to submit that vide order dated 19.12.2019 passed by the Hon’ble High Court in CRM-M No. 54532 of 2019 entitled “Harjit Singh and others Vs. State of Punjab and others” fixed for 03.03.2020, the parties were directed to appear before this court for recording their statements with regard to the compromise and this court has been directed to submit report regarding the authenticity of the compromise reached between the parties and intimate whether there is any other person involved in this occurrence, who is not a party to the present petition and whose consent for the compromise would be required.

In compliance of the said directions passed by the Hon’ble High Court, on 21.01.2020, Nirmal Singh, Bakhtawar Singh and Harbhajan Singh complainants along with accused Harjit Singh, Harjinder Singh, Parwinder Singh, Harpreet Singh, Nirwair Singh, Gurmeet Singh, Manjit Kaur, Ranjit Singh, Amrtipal Singh and Mandeep Kaur appeared before this court and requested for making statements with regard to the compromise effected between them in case DDR No. 52 dated 24.10.2019 under

Sections 323,341,506,436,427,148,149 IPC in which offences under Sections 324,325,326 of IPC were deleted, PS Mehatpur. Statements of both the parties were got recorded.

It is also pertinent to mention here that report qua the involvement of any other person was also called from concerned SHO, who submitted that no other person is involved in this case except the persons involved in the above said FIR and DDR.

It is further submitted that complainants and accused in above said cases have suffered separate joint statements that they have effected compromise with each other without any coercion and without any undue influence. As per the statements so recorded by both sides, it can be deducted that the compromise is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. They have been identified by their respective counsels and their id proofs with photographs were taken on the file. The statements of both the parties are enclosed herewith for kind perusal”.

Briefly, the allegations against the petitioners are to the effect that Nirmal Singh and others had inflicted injuries on the person of Harjinder Singh and Harjit Singh.

It has been stated that there is no fire arm injury in the instant case though fire arms were used in the occurrence.

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

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. 176 dated 24.10.2019 under sections 447, 511, 506, 336, 148, 149 of IPC, 1860 and Sections 25, 27 of Arms Act, 1959, in which offences under sections 324, 326 of IPC, 1860 were added later on, registered at Police Station Mehatpur District Jalandhar Rural 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