

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-38425-2021 in/and
CRM-M-47697-2018
Date of Decision:02.12.2021

NAVPREET @ SANJU & ORS
VS.

... PETITIONERS

SSTATE OF PUNJAB & ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jasraj Singh, Advocate, for the applicant/petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Shobit Phutela, Advocate
for respondents No.2 to 4.

VIVEK PURI, J.(ORAL)

CRM-38425-2021

The applicant/petitioners are seeking preponement of date of hearing in the main petition.

It has been stated that the main case stands adjourned to 04.04.2022. Statements of the parties have already been recorded and report of learned Additional Chief Judicial Magistrate, Hoshiarpur has been received.

Notice in the application.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of respondent No.1 and Mr. Shobit Phutela, Advocate, accepts notice on behalf of respondents No. 2 to 4.

Learned counsel for the respondents states that they have no objection if the main case is taken up on Board today itself.

In view of the above, present application is allowed and main case is taken up on Board today itself.

Application is disposed of.

CRM-M-47697-2018

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.148 dated 28.09.2018 under Sections 308/323/341/148/149 and 354-D IPC registered at Police Station Sadar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.01.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 29.01.2020, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Hoshiarpur, has sent the report to the following effect:-

“Today i.e. 27.2.2020 complainant Jasvir Singh son of Ajaib Singh has appeared. Complainant made statement that the present FIR was lodged on his statement against only accused Navpreet Singh @ Sanju, Taranvir Singh, Balwinder Singh, Jaskaran Singh and Shubham Thakur. In the present case, he has compromised the matter with the accused persons with the intervention of respectables from both the sides. The said compromise has been effected voluntarily without any undue pressure, influence, coercion or any kind of pressure from any side. He has no objection if the said FIR against accused persons be quashed.

3. Similarly, other eye witnesses Malkit Ram son of Ishwar Dass, the other injured and Jaskaran Preet Kaur daughter of Raghveer Singh, the other aggrieved person made their separate statements that the present FIR was got registered against above-said accused persons on the statement of Jasvir Singh complainant. In the present case, they have compromised the matter with the accused persons mentioned above with the intervention of respectables from both the sides. The compromise with accused persons is effected voluntarily and with their free

will and without any undue influence, coercion or any kind of pressure from any side. They have no objection if the said FIR against accused persons be quashed.

4. *Accused Navpreet @ Sanju son of Jatinder Kumar, Tarnvir Singh son of Hargopal Singh, Balwinder Singh son of Baldev Singh, Jaskaran Singh son of Makhan Singh and Shubham Thakur son of Hazara Singh, have made separate statements that the present FIR was got registered against them on the statement of complainant Jasveer Singh. They are the only accused in the present FIR. In the present case, compromise has been effected between them and the complainant with the intervention of respectables from both the sides. The said compromise has been effected voluntarily without any undue influence, coercion or any kind of pressure from any side.*

5. *It is further humbly submitted that ASI Gurdeep Singh, No.968, PS Sadar, Hoshiarpur appeared and made statement that he was the investigating officer in the present case. The present FIR was got registered against accused Navpreet @ Sanju son of Jatinder Kumar, Tarnvir Singh son of Hargopal Singh, Balwinder Singh son of Baldev Singh, Jaskaran Singh son of Makhan Singh and Shubham Thakur son of Hazara Singh on the statement of complainant Jasveer Singh son of Ajaib Singh. He further made statement that there are only five accused above named in the present FIR. No one has been declared as proclaimed person in the present FIR. In the present FIR Jasveer Singh is complainant and Malkit Ram and Jaskaran Preet Kaur are aggrieved/victims.*

6. *In these all circumstances and from the statement made by complainant Jasveer Singh, Malkit Ram and Jaskaran Preet Kaur, I am satisfied that*

i) *As per the statement of ASI Gurdeep Singh, the investigating officer except the above named accused Navpreet @ Sanju son of Jatinder Kumar, Tarnvir Singh*

son of Hargopal Singh, Balwinder Singh son of Baldev Singh, Jaskaran Singh son of Makhan Singh and Shubham Thakur son of Hazara Singh, no other person is named in the FIR. Even the investigating officer has submitted that none of the accused has been declared as proclaimed offender nor any P.O. proceedings against any of the accused is pending.

ii) It is further submitted that in the present case name of the complainant is Jasveer Singh whereas Malkit Ram and Jaskaran Preet Kaur are the aggrieved/victims. It is further submitted that all the accused persons, complainant and other injured have appeared before the undersigned and suffered their statements in support of compromise. The original of the compromise has been placed on record as Ex.PA

iii) In the present case none of the accused/petitioners are appearing before the court or on bail. Thus, neither any remand papers nor any kind of proceedings are pending in the court against the accused/petitioners.

iv) In these all circumstances and from the statements made by complainant Jasveer Singh, other injured and aggrieved person Malkit Ram and Jaskaran Preet Kaur as well as accused persons Navpreet @ Sanju son of Jatinder Kumar, Tarnvir Singh son of Hargopal Singh, Balwinder Singh son of Baldev Singh, Jaskaran Singh son of Makhan Singh and Shubham Thakur son of Hazara Singh, I am satisfied that parties have effected a voluntary and genuine compromise without any sort of undue influence or pressure.

The report is submitted please, along with statements of parties for further proceedings. ”

After hearing 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.148 dated 28.09.2018 under Sections 308/323/341/148/149 and 354-D IPC registered at Police Station Sadar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

02.12.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No