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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.31660 of 2020(O&M)  
Date of Decision: 18.01.2021**

**Ashok Kumar and others**

**.....Petitioners**

**Vs**

**State of Punjab and others**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. TPS Bhatti, Advocate  
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Naresh Kumar, Advocate  
for respondents No.2 to 4.

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**RAJ MOHAN SINGH, J. (Oral)**

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.240 dated 22.07.2020 registered under Sections 323, 325, 452, 506, 34 IPC at Police Station Phillaur, District Jalandhar along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 08.10.2020 parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question.

[4]. In compliance of the aforesaid order, the trial Court has reported to the following effect:-

*“I have the honour to submit that vide order dated 08.10.2020 passed by the Hon'ble High Court in CRM-M-31660-2020 in case titled “Ashok Kumar and others Vs. State of Punjab and others”, the parties were directed to appear before this Court for getting their statements recorded with regard to compromise effected between them and this court has been directed to submit report regarding the compromise effected between the parties.*

*In compliance of directions passed by the Hon'ble Punjab and Haryana High Court, accused Ashok Kumar, Mandeep Kumar and Preetu, complainant Shivani and injured/Victim Ramesh Kumar and Shindo @ Chhindo appeared before this Court on 10.11.2020.*

*Statement of accused Ashok Kumar, Mandeep Kumar and Preetu were recorded separately. They have stated that the matter with complainant Shivani and injured Ramesh Kumar and Shindo @ Chhindo has been compromised. They have placed on record compromise as Ex.C1. They further stated that the said*

*compromise has been arrived at between them and complainant Shivani and injured Ramesh Kumar and Shindo @ Chhindo without any threat, coercion, pressure or promise. They have no grudge against the complainant. They further stated that no other person has been declared proclaimed offender.*

*Complainant Shivani has stated that she has compromised the matter with accused Ashok Kumar, Mandeep Kumar and Preetu. She also admitted compromise as Ex.C1. Further, she also stated that the said compromise has been arrived at between her and accused without any pressure, threat, coercion or promise. She further stated that she has no objection, if the present FIR is quashed on the basis of aforesaid compromise.*

*Similarly, Ramesh Kumar and Shindo @ Chhindo have stated that they have compromised the matter with accused Ashok Kumar, Mandeep Kumar and Preetu. They also admitted compromise as Ex.C1. Further, they also stated that the said compromise has been arrived at between them and accused without any pressure, threat, coercion or promise. They further stated that they have no objection, if the present FIR is quashed on the basis of aforesaid compromise.*

*Before recording their statements, they were orally informed that if there is any type of coercion or undue influence on them, they can refuse to make the statements to which they replied in the negative.*

*Both the parties are identified by their respective counsel. Complainant and accused have also placed on record their ID proofs.*

*After having considered the statements of both the parties points vise report is submitted as under:-*

- 1. As per the report of SHO, three persons were arrayed as accused namely Ashok Kumar, Mandeep Kumar, Preetu and no person involved in this case has been declared a proclaimed offender.*
- 2. As per the report of SHO, there is only one complainant namely Shivani daughter of Ramesh Kumar and two injured namely Ramesh Kumar son of Bunt and Shindo @ Chhindo wife of Ramesh Kumar in this case.*
- 3. The trial of this case has not commenced yet as challan of this case is not presented till date.*
- 4. In view of statements of both the parties compromise arrived between them appears to be bonafide and is not result of any pressure or coercion in any manner and appears to be genuine and valid.*

*It is further submitted that the statements of the parties which were recorded by the undersigned on 10.11.2020, copy of compromise Ex.C1 and report of SHO, PS Phillaur are being sent to the Hon'ble High Court along with this report”*

[5]. In view of report submitted by the trial Court, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in the area. The offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and

**Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[6]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[7]. Resultantly, FIR No.240 dated 22.07.2020 registered under Sections 323, 325, 452, 506, 34 IPC at Police Station Phillaur, District Jalandhar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

18.01.2021

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**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No