

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

**CRM-M-32349 of 2020 (O & M)
Date of Decision:-16.04.2021**

Hardeep and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Vishal Munjal, Advocate
for the petitioners.

Mr. H.S. Multani, AAG, Punjab.

Mr. Sunil Agnihotri, Advocate
for respondent No.2.

(Proceedings conducted through Video Conferencing)

VIVEK PURI J.(Oral)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 86 dated 31.5.2020, under Sections 341, 323, 324, 148 and 149 IPC, registered at Police Station Samrala, District Khanna (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 10.08.2020 (Annexure P-2).

The FIR was registered on the statement of complainant Ravi Kumar, alleging that on 29.5.2020 due to stomach-ache, he had gone to

the market to get medicine but as the medical store was closed after 6:00 PM. He could not get the medicine and was returning to his house. At about 7.30 PM when he reached near turning point of Civil Hospital, the petitioners inflicted the injuries upon him. Thereafter due to intervention of respectable persons of the locality, the matter was amicably settled.

On 13.10.2020, notice of motion was issued and parties were directed to appear before the Trial Court 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 sent his report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 13.10.2020, learned Sub Divisional Judicial Magistrate, Samarla has recorded the statements of the parties and submitted her report, the relevant portion whereof reads as under:-

“Hon'ble High Court vide order dated 13.10.2020 in the above mentioned case has directed the trial Court to record the statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence, till the next date of hearing.

Statement of complainant Ravi Kumar son of Girvar has been recorded wherein he has stated that he had compromised with the accused persons with his own sweet will without any pressure, influence and coercion and there is no dispute between him and accused persons. He does not want to take any action against the accused persons.

Joint statement of accused Hardeep Singh son of Mahipal, Puneet son of Mahipal, Gagandeep son of Tejvir Singh and Mandeep @ Amandeep Singh son of Tejvir recorded wherein they have submitted that they have compromised with complainant without any pressure, influence or coercion.

From the statements, it appears that compromise has been voluntarily entered into between the parties. The compromise appears to be genuine and without any pressure or coercion.

As desired, the report along with statement of complainant Ravi Kumar son of Girvar and statement of accused Hardeep Singh son of Mahipal, Puneet son of Mahipal, Gagandeep son of Tejvir Singh and Mandeep @ Amandeep Singh son of Tejvir and copies of their Aadhar Cards are submitted for your kind consideration.”

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 (Annexure P-2). The compromise is without any pressure and is 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. Accordingly, the present petition is allowed and FIR No. 86 dated 31.5.2020, under Sections 341, 323, 324, 148 and 149 IPC, registered at Police Station Samrala, District Khanna and all the consequential proceedings arising therefrom are quashed qua petitioners only.

April 16, 2021
Vijay Asija

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No