

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

CRM-M-32333 of 2020

Date of Decision:-16.04.2021

Raj Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Sunil Agnihotri, Advocate
for the petitioners.

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

Mr. Vishal Munjal, Advocate
for respondents No.2 to 4.

(Proceedings conducted through Video Conferencing)

VIVEK PURI J.(Oral)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 70 dated 18.5.2020, under Sections 323, 341, 324, 325, 506, 34 IPC, registered at Police Station Samrala, District Khanna (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 10.8.2020 (Annexure P-2).

The FIR was registered on the basis of statement of complainant/respondent No.2 Hardeep Singh alleging that on 12.5.2020 at about 5.30 AM, he alongwith his wife Roop Rani was going to BRG Hospital, Khanna road, Samrala on his motor-cycle. When they reached at turning point of their mohalla, then the petitioners inflicted injuries upon

him, his father Mahipal and brother Kuldip Singh i.e. respondents No.3 and 4.

Subsequently, due to intervention of respectables of the village from both sides the matter has been 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 send the report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 13.10.2020, learned Sub Divisional Judicial Magistrate, Samrala 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.

Joint statement of complainants Hardeep Singh son of Mahipal, Mahipal son of Gian Chand and Kuldip Singh son of Mahipal have been recorded wherein they have stated that they had compromised with the accused persons with their own sweet will without any pressure, influence and coercion and there is no dispute between them and accused persons. They does not want to take any action against the accused persons.

Joint statement of accused Raj Kumar son of Thamria, Sohanvir son of Thamria, Rajvir @ Simpall son of Girvar, Vishal son of Omvir recorded wherein they have submitted that they have compromised with complainants 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 Hardeep Singh son of Mahipal, Mahipal son of Gian Chand and Kuldeep Singh son of Mahipal and statement of accused Raj Kumar son of Thamria, Sohanvir son of Thamria, Rajvir @ Simpal son of Girvar, Vishal son of Omvir 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. 70 dated 18.5.2020, under Sections 323, 341, 324, 325, 506, 34 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