

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

Sr. No.205

**CRM-M-37404-2020
Date of Decision: 16.04.2021**

Mander Singh and others

...Petitioners

vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Deepinder Brar, Advocate, for the petitioners.

Ms. Monika Jalota, DAG, Punjab

Mr. Navraj Mahal, Advocate for respondent no.2.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making a prayer for quashing of FIR No. 88 dated 30.06.2019, under sections 323, 341, 506, 34 IPC and Section 30 of the Arms Act, registered at Police Station Dayalpura, District Bathinda and all the consequential proceedings, arising therefrom, on the basis of compromise.

On 12.11.2020, notice of motion was issued and parties were directed to appear before the trial Court/Illaq Magistrate and get their statements recorded with regard to arrival of compromise between them. The trial Court/Illaq Magistrate was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

In compliance of the order dated 12.11.2020, learned Judicial Magistrate Ist Class, Phul, has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“(i) In the case titled as State vs. Mander Singh and others, FIR No. 88 dated 30.06.2019 three persons i.e. Mander Singh son of Manjit Singh, Jaspreet Singh son of Manjit Singh and Veer Singh @ Balkar Singh son of Mander Singh, residents of village Koir Singh Wala, Tehsil Phul, District Bathinda, have been arrayed as accused in FIR. The accused persons have deposited Rs.10,000/- as costs with District Legal Services Authority (copy of receipt is enclosed herewith).

(ii) No accused is proclaimed offender in the said case.

(iii) Complainant Baldev Singh son of Balaur Singh, resident of village Koir Singh Wala, Tehsil Phul, District Bathinda, has appeared before the undersigned.

(iv) The complainant namely Baldev Singh has made his statement that present FIR was lodged by him and now he with the intervention of respectables, have compromised the matter with the accused Mander Singh, Jaspreet Singh and Veer Singh @ Balkar Singh and compromise is effected with free will and without any pressure or coercion.

(v) The joint statement of accused Mander Singh son of Manjit Singh, Jaspreet Singh son of Manjit Singh and Veer Singh @ Balkar Singh son of Mander Singh, residents of village Koir Singh Wala, Tehsil Phul, District Bathinda, was also recorded, wherein they stated that with the intervention of respectables, they have compromised the matter with the complainant with free will and without any pressure or coercion.

(vi) No accused is involved in any other FIR”

After hearing the learned counsel for the parties and also 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 an settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made. without any pressure or undue influence, on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “**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 aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 88 dated 30.06.2019, under sections 323, 341, 506,34 IPC and Section 30 of the Arms Act, registered at Police Station Dayalpura, District Bathinda and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

16.04.2021

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Whether speaking/reasoned

Yes

Whether reportable

Yes/No