

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

SR. No.238

CRM-M-1564-2022

Date of Decision:11.03.2022

Lakhwinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CRM-M-1333-2022

Jaswant Singh @ Jassa and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Sukhdeep Singh, Advocate
for the petitioners in CRM-M-1564-2022 and
for respondents No.2 and 3 in CRM-M-1333-2022.

Mr. J.S. Ghumman, Advocate,
for the petitioners in CRM-M-1333-2022 and
for respondents No.2 and 3 in CRM-M-1564-2022.

Mr. Tanvir Joshi, AAG, Punjab.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

This order shall dispose of both the above-mentioned petitions arising out of impugned FIR and its cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No.63 dated 01.04.2017 registered under Sections 307/323/324/452/341/506/148/149 IPC (Section 307 deleted later on)

at Police Station Division No.1, District Police Commissionerate, Jalandhar and its cross version case, i.e. DDR No.022 dated 04.04.2017 under Sections 324/506/148/149 (Section 326 IPC added later on) as well as the consequential proceedings arising therefrom, on the basis of compromise (P-2).

While issuing notice of motion in both the cases, this Court directed both the parties to appear before the trial Court to record their statements with regard to genuineness of the compromise arrived at between them and the learned trial Court was directed to send a report in this regard. In pursuance of the said order, separate reports in both the cases have been received from the Judicial Magistrate 1st Class, Jalandhar, which are attached with the files, stating therein that the statements of the parties were recorded which indicate that the compromise is genuine, without any coercion or undue influence. In the report of court below received in CRM-M-1333-2022, it has been mentioned therein that there are four accused, namely, Jaswant Singh, Kulwant Singh, Balwant Kaur and Lovejit Singh in the present case. Accused Lovejit Singh has been declared as proclaimed offender, while in the report received in CRM-M-1564-2022, it has been mentioned that no accused has ever been declared as proclaimed offender.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes.

Learned Counsel for the petitioner has relied upon judgments passed by Co-ordinate Benches of this Court in **CRM-M-6628-2019 titled as 'Mukhwinder Singh and another Vs. State of Punjab and another' decided on 16.05.2019 ; CRM-M-26644-2021 titled as 'Gurmej Singh**

and another Vs. State of Punjab and another' decided on 24.09.2021; CRM-M-28616-2020 titled as 'Rishab Singla and another Vs. State of Punjab and another' decided on 29.10.2020 ; CRM-M-37395-2016 titled as 'Rajinder Singh Vs. State of Punjab and another' decided on 16.05.2017 and CRM-M-50696-2018 titled as 'Mohit Kumar and another Vs. State of Haryana and others' decided on 05.02.2019 whereby settlement/compromise was effected between the complainant and one of the accused person and the proceedings qua the said accused person was quashed.

After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that these are the fit cases 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 out of the Court settlement 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.

Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and also the above referred judicial precedents wherein this Court has allowed partial quashing, both these petitions are allowed.

Resultantly, FIR No.63 dated 01.04.2017 registered under Sections 307/323/324/452/341/506/148/149 IPC (Section 307 deleted later

on) at Police Station Division No.1, District Police Commissionerate, Jalandhar and its cross version case, i.e. DDR No.022 dated 04.04.2017 under Sections 324/506/148/149 (Section 326 IPC added later on) as well as the consequential proceedings arising therefrom are quashed qua the petitioners.

11.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO