

CRM-M-593-2022

Date of decision: 20.09.2022

JASVIR SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Sharma, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Harmandeep Singh, Advocate for respondent Nos.2 and 3.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.23 dated 26.02.2021 under Sections 324/323/354/506/34 IPC, 1860, registered at Police Station City Zira, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 24.02.2021, the petitioners had inflicted injuries on the persons of respondent Nos.2 and 3. Furthermore, petitioners had outraged the modesty of respondent No.3.

On 10.01.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 10.01.2022, Sub Divisional Judicial

Magistrate, Zira has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(1) Name of complainant is above said Kanwarpreet Singh. Further above said Charanjit Kaur is injured as per FIR and challan. There are total four accused arrayed in the FIR who are named above. All accused, complainant and injured have appeared in the court and they have made statements in support of compromise.

(2) None of the accused is declared as proclaimed offender.

(3) Challan in this case has been presented. Accused Gurjit Singh alias Garry and Palwinder Singh alias Pinder Singh are appearing. Trial is pending for appearance of accused Bikkar Singh and Jasvir Singh.

(4) This Court is of the considered opinion from above said statements of parties that compromise between the complainant Kanwarpreet Singh and injured Charanjit Kaur on one side and accused (1) Jasvir Singh, (2) Gurjit Singh, (3) Bikram Singh alias Bikkar Singh and (4) Palwinder Singh alias Pinder Singh on the other side has been arrived at and same is genuine, voluntarily and out of free will of the parties.”

Learned counsel for the petitioners contend that petitioner No.1 is the husband of respondent No.3 and father of respondent No.2. The dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court in terms of settlement/agreement dated 30.09.2021 (Annexure P-2). Respondent Nos.2 and 3 are now happily residing with petitioner No.1 in his house and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos.2 and 3 states that he has no objection if FIR is quashed.

After hearing the 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. 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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the family dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

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*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.23 dated 26.02.2021 under Sections 324/323/354/506/34 IPC, 1860, registered at Police Station City Zira, District Ferozepur all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

20.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No