

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

**CRM-M-3383-2020
Date of Decision: 30.09.2022**

KARAN AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Thind, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Nagar Singh, Advocate for
Mr. Gajender Singh, Advocate for respondent No.2&3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 140 dated 03.12.2019 under Sections 354, 341, 148, 149 IPC registered at Police Station Mohkampura, District Police Commissionerate, Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that on 01.12.2019, the petitioners had inappropriately touched respondent No.2 and had also inflicted injuries on the person of respondent no.3.

On 27.01.2020, the 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 its report regarding genuineness of the compromise.

In compliance of the order dated 27.01.2020, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. Four accused are arrayed in FIR as per the challan presented in the court by P.S. Mohkapura, Amritsar.

2. None of the accused has been declared PO in this FIR.

3. The statements of parties are recorded and are attached herewith. The compromise accused/petitioners Karan, Arjan @ Akashdeep Singh, Kuldeep @ Gabbar and Talwinder Singh @ Pargat Singh and respondent/complainant/injured Surinder Kaur and Bhupinder Kumar is genuine, voluntarily and out of free will of the parties.

4. Compromise has not been effected with accused Jasbir Singh.”

Learned counsel for the petitioners contend that the matter has been amicably settled in terms of compromise, Annexure P-2. The petitioner Nos. 1 to 3 and respondent Nos. 2 and 3 are residing in the neighborhood and amicable settlement will help in maintaining cordial relations between them in future.

Learned State counsel submits that subsequent to the registration of the FIR, offence under Section 323 IPC has also been added on 06.12.2019.

Learned counsel for respondent Nos.2 & 3 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

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

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private 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*.

Accordingly, the present petition is allowed and FIR No.140 dated 03.12.2019 under Sections 354, 341, 148, 149 IPC registered at Police Station Mohkampura, District Police Commissionerate, Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioners only. However, it is made clear that this order will also be construed with regard to the offence under Section 323 IPC which is stated to have been added subsequent to the registration of the FIR.

30.09.2022

Janki

(VIVEK PURI)
JUDGE

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