

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

**CRM-M-8722-2022
Date of decision: 18.08.2022**

**SURINDER SINGH @ MOHINDER SINGH
AND ORS.**

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. O.P. Kamboj, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Anil Kumar Lamdharia, Advocate
for respondent Nos.4 to 6.

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.226 dated 02.12.2018 under Sections 452/354/323/148/149 IPC, registered at Police Station Guruharsahai, District Ferozepur, and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the allegations against the petitioners are to the effect that on 15.11.2018 at about 12:00 noon, the petitioners while armed with weapons had committed criminal trespass in the land of the private respondents, inflicted injuries upon them and outraged the modesty of respondent No.4.

On 20.04.2022, 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 20.04.2022, learned Sub-Division Judicial Magistrate, Guruharsahai has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is respectfully submitted that from the statements of the parties as recorded in the Court, I am satisfied that the compromise was effected between the parties voluntarily and without any coercion or undue influence and same is genuine one. As per the statement of ASI Kuldeep Singh No.454/FZR Investigating Officer of this case, total nine persons were arrayed as accused in this case, but Mohinder Singh and Surinder Singh was one and the same person. So there remained seven accused persons, out of whom two accused persons namely Rakesh Bhैया and Kashmir Singh had died. It is further respectfully submitted that as per the statement of ASI Kuldeep Singh No.454/FZR Investigating Officer, none of the accused is declared as proclaimed offender in this FIR and none of the accused is involved in any other FIR except the present FIR. It is further respectfully submitted that the as per the statement of ASI Kuldeep Singh No.454/FZR Investigating Officer there is only one complainant namely Deepak Jyoti and there are total three victims i.e. complainant, Deepak Jyoti, Jamna Bai and Paramjeet Kaur in the present FIR.”

Learned counsel for the petitioners contend that it is a case of version and cross-version and compromise has been effected in terms of panchayati compromise dated 16.12.2021 (Annexure P-2). The parties are residents of the same village and the amicable settlement will help in maintaining the cordial relations between them in future.

Learned counsel for respondent No.2 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 private dispute of the co-villagers 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.226 dated 02.12.2018 under Sections 452/354/323/14/149 IPC, registered at Police Station Guruharsahai, District Ferozepur and 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.

18.08.2022
renubala

(VIVEK PURI)
JUDGE

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