

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

**CRM-M-9585-2022
Date of Decision: 24.05.2022**

**HARPREET SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Narinder Singh Dadwal, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Jagjit Singh, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 43 dated 06.07.2020, under sections 354, 323, 34 IPC registered at Police Station Hathur, District Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, as per the allegations, on 05.07.2020 the petitioners had inflicted injuries upon the person of respondent No.2 and had also outraged the modesty.

On 07.03.2022 notice of motion was issued and 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 07.03.2022, learned Judicial Magistrate First Class, Jagraon has recorded the statements of the parties

and submitted his report, the relevant portion whereof reads as under:-

“i) As per statement of ASI Bahadur Singh investigating officer, there are three accused namely Harpreet Singh, Gurtej Singh and Shinder Kaur (petitioners) arrayed in the present case.

ii) As per statement of ASI Bahadur Singh investigating officer, none of above named accused has been declared proclaimed offender.

lii) Parties have effected the compromise with their own sweet will and have also suffered a statement in the present matter without any coercion or pressure. From the statements so suffered by parties, compromise effected between them is found to be genuine.

iv) As per statement of ASI Bahadur Singh investigating officer, above named accused are not involved in any other case.

v) In compliance with the direction of Hon'ble High Court, statement of investigating officer ASI Bahadur Singh has been recorded, as per which, there is only one victim namely Baljit Kaur who is also complainant in this case and said victim/complainant has effected compromise with accused persons.”

Learned counsel for the petitioners contend that the dispute between the parties has been amicably settled in terms of compromise, Annexure P-2. There was some property dispute between the parties which has also been amicably settled. The amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 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 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 (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. 43 dated 06.07.2020, under sections 354, 323, 34 IPC registered at Police Station Hathur, District Ludhiana Rural and all the consequential proceedings arising therefrom are quashed qua the petitioners.

24.05.2022

Janki

(VIVEK PURI)
JUDGE

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