

291 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10099-2022
Date of Decision: 27.09.2022

JASVIR SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saurabh Singh, Advocate for
Mr. Amrainder Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Ms. Jasneet Mehra, 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. 75 dated 05.09.2020 registered under Sections 452, 354, 323, 341, 509, 294, 148 of the Indian Penal Code at Police Station Handesra, District SAS Nagar 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 05.09.2020, at about 8 P.M., the petitioners entered into the house of the complainant, inflicted injuries upon her. Besides, petitioner Nos.1 and 7 also outraged her modesty.

On 26.05.2022, 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 26.05.2022, learned Judicial Magistrate Ist Class, Derabassi has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“In view of the above said order, all the accused/Petitioners namely Jasvir Singh, Paramjit @ Paramjit Kaur, Jarnail Kaur, Sonia, Baby, Roshni Devi @ Roshni, Sohan Lal and Akash Kumar @ Ajay Kumar and complainant Sapna came present alongwith their respective counsels in the court and statements of both the parties have been recorded on 26.07.2022. After going through the statements of the parties and compromise dated 01.12.2021 i.e. Mark A, it is observed that the matter has been compromised between the parties voluntarily. All the grievances have been settled amicably between the parties without any coercion or undue influence.

It is further submitted that statement of complainant Sapna w/o Baryam Singh and accused persons Jasvir Singh, Paramjit @ Paramjit Kaur, Jarnail Kaur, Sonia, Baby, Roshni Devi @ Roshni, Sohan Lal and Akash Kumar @ Ajay Kumar have also been recorded separately who have stated in their statement that they have no objection, if the present case be quashed against accused persons.

It is further submitted that statement of ASI Jatinder Pal No. 268/SAS Nagar, Police Station-Handesra was also recorded who has stated in his statement that he is investigating officer in the present case. He further stated that FIR was registered against eight accused persons namely Jasvir Singh, Paramjit @ Paramjit Kaur, Jarnail Kaur, Sonia, Baby, Roshni Devi @ Roshni, Sohan Lal and Akash Kumar @ Ajay Kumar. All accused persons and complainant have appeared and made their respective statements in support of the compromise so effected between them. No accused has been declared as proclaimed offender by the court in this case till date. As per record, only one complainant/victim Sapna is there in the FIR.”

Learned counsel for the petitioners contend that the dispute

between the parties has been amicably settled in terms of compromise dated

01.12.2021, Annexure P-2. The petitioners and respondent No.2 are close relatives and compromise has been effected with the intervention of the respectables. The amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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 of the relatives 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. 75

CRM-M-10099-2022

- 4 -

dated 05.09.2020 registered under Sections 452, 354, 323, 341, 509, 294, 148 of the Indian Penal Code at Police Station Handesra, District SAS Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

27.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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