

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48046-2018

Date of Decision: 02.12.2022.

DURGA DASS AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB & ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Krishan Kanha, Advocate for
Mr. Narinder S. Lucky, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Praagbir S. Dhindsa, Advocate for
Mr. H.S.Dhindsa, Advocate
for respondents No.2 to 4.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.23 dated 04.02.2018 under Sections 323/452/427/506/148 and 149 IPC (Section 354 IPC added later on) registered at Police Station City Phagwara, District Kapurthala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.10.2018, the parties were directed to get their statements recorded before the learned Illaqa Magistrate.

In compliance of the order dated 30.10.2018, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Phagwara, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ (1) Total 8 accused have arrayed as accused in the present FIR, out of whom, only one accused Surinderpreet @ Vicky is appearing before this court and the arrest of remaining all the

accused has been stayed by the Hon'ble Punjab & Haryana High Court in CRM-M No.9729 of 2018 and in CRM-M No.29253 of 2018.

(2) Ms. Anju Sharma is complainant in the present FIR and there are 3 aggrieved namely Anju Sharma, Sakshi Sharma and Vinod Kumar Sharma in the present case and complainant Anju Sharma and both aggrieved/injured Sakshi Sharma and Vinod Kumar Sharma have given joint statement in support of the compromise.

(3) Only remand paper is pending before this court.

(4) This Court is satisfied that compromise Mark-A effected between the complainant Anju Sharma, injured Sakshi Sharma and Vinod Kumar Sharma and accused with their free will, voluntarily and out of free will and the above compromise is genuine.”

Learned counsel for the petitioners contend that the allegations attributed against the petitioners are with regard to trespassing and inflicting injuries on the person of private respondents. The dispute between the parties has been amicably settled in terms of the compromise (Annexure P2/T). The parties are residents of the same town and an amicable settlement will help in maintaining cordial relations between them in future. At the instance of the petitioner No.3, an FIR No.265 dated 21.12.2017 was registered at Police Station City Phagwara, District Kapurthala against the private respondents. The dispute therein has also been amicably settled and the said FIR has been quashed in terms of the order dated 20.02.2020 passed in CRM-M-20977-2019.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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 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 04.02.2018 under Sections 323/452/427/506/148 and 149 IPC (Section 354 IPC added later on) registered at Police Station City Phagwara, District Kapurthala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

02.12.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No