

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

CRM-M-26051-2022
Date of Decision: 30.08.2022

SURJEET SINGH AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Navjot Singh, Advocate
for the petitioners.

Mr. Harpreet Singh, Additional A.G.Punjab.

Mr. Rahul Bhargava, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.52 dated 14.05.2022 under Sections 323/354/354-B/452/427/506/148 and 149 IPC registered at Police Station Khamano, District Fatehgarh Sahib and all the consequential proceedings arising therefrom on the basis of compromise.

Briefly, the allegations as put forth in the FIR are to the effect that on 14.05.2022, the petitioners had inflicted injuries and outraged the modesty of respondent No.2.

On 08.06.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 08.06.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Khamanon, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the report of police, it comes out that the Investigation of this case has not been completed and the challan in this case has not been presented in the court.

Further, from the report of police, it comes out that none of the accused is ever got declared as proclaimed offender in this case, till date.

Statement of complainant/affected person Swaranjit Kaur has been recorded on 12.07.2022 in this matter who confirmed the factum of compromise between the parties. The joint statement of accused Surjeet Singh, Narinder Kaur and Harman Preet Singh has also been recorded on 12.07.2022, who also confirmed the factum of compromise between the parties and stated that Harman Preet Singh is minor in age and therefore this compromise has been effected by his parents i.e. accused Surjeet Singh and accused Narinder Kaur being natural guardians on behalf of the minor for his betterment.

From the statements of complainant Swaranjit Kaur and the joint statement of accused Surjeet Singh, Narinder Kaur and Harman Preet Singh, it comes out that the parties of the present petition (i.e. above named persons) have compromised the matter with their free will and full senses. So this compromise between the above named parties to the petition appears to be genuine & valid qua them and entered into by these parties voluntarily and it appears to be the outcome of their free consent and it is entered into by these parties without any coercion or undue influence from any quarter.”

Learned counsel for the petitioners contend that the son of respondent No.2 and the girl of petitioners No.1 and 2 were in relationship and the same has been accepted by the parties. He further contends that the private dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2.

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.52 dated 14.05.2022 under Sections 323/354/354-B/452/427/506/148 and 149 IPC registered at Police Station Khamano, District Fatehgarh Sahib and all the consequential 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.

30.08.2022
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(VIVEK PURI)
JUDGE

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