

**285-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28543-2022
Date of decision: 15.09.2022

JOGINDER SINGH @ JAGGAAND ORS. ...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Saini, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. S.S.Gill, Advocate for respondent Nos.2 to 4.

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.35 dated 21.03.2022, under Sections 452/354/323/148/149 IPC, registered at Police Station Makhu, 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 19.03.2022, the petitioners had given the push to respondent No.2 and also inflicted injuries on the persons of respondent Nos.2 to 4.

On 07.07.2022, 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 07.07.2022, learned Judicial

Magistrate 1st Class, Zira has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“After going through the statements of the parties and on asking the parties, it is crystallized clear that the compromise has been arrived at genuinely and is made voluntarily and without any coercion or undue influence. As per the statement of Investigating Officer, there are seven persons arrayed as accused in the present case. No accused is declared as proclaimed offender. As per the statement of Investigating Officer, Challan is not prepared till today. The compromise has been effected with all the accused persons and with complainant-injured.”

Learned counsel for the petitioners contend the dispute has been amicably settled between the parties in terms of compromise dated 24.05.2022 (Annexure P-2). It is a case of version and cross version and amicable settlement has been effected in both the cases. The parties are the residents of the same village and the amicable settlement will help in maintaining the cordial relations between them in future.

Learned State counsel has also submitted an affidavit in the connected case bearing CRM-M-28506-2022 wherein the compromise between the parties is genuine and has been entered into by their own free and sweet will.

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

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. 35 dated 21.03.2022, under Sections 452/354/323/148/149 IPC, registered at Police Station Makhu, District Ferozepur 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.

15.09.2022
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(VIVEK PURI)
JUDGE

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