

240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30697-2022
Date of Decision: 16.12.2022

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nimish Gautam, Advocate for
Mr. Dheeraj Mahajan, Advocate, for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Vivek Sheoran, Advocate, for
Mr. Bhim Singh, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.82 dated 30.11.2019 under Sections 354/323/34 IPC (Section 324 IPC added later on) registered at Police Station Bhani Mian Khan, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 19.09.2022, 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 19.09.2022, learned Judicial Magistrate First Class, Gurdaspur has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. In reference to question No.1, it is humbly submitted that as per the statements of parties and investigation Officer, there are total three accused

arrayed in present FIR No.82 dated 30.11.2019, under Sections 323/324/354/34 IPC, Police Station Bhaini Mian Khan.

2. In reference to question No.2, it is humbly submitted that as per statement of Investigation Officer, none of accused were declared proclaimed offenders in present FIR.

3. In reference to question No.3, it is humbly submitted that from the statement of parties, it appears that the compromise is genuine and effected without any pressure, coercion and undue influence between the parties.

4. In reference to question No.4, it is humbly submitted that as per the statement of Investigation Officer, the accused persons are not involved in any other case.

5. In reference to question No.5, it is humbly submitted that as per statement of Investigation Officer, there is one complainant i.e. Baljit Kaur and one injured/victim i.e. Jagwinder Singh in present case and their statements qua the compromise have been recorded. ”

Learned counsel for the petitioners contend that as per the allegations, on 25.11.2019, the petitioners had inflicted injuries on the person of respondents No. 2 and 3 and had also outraged the modesty of respondent No.2. It has been further stated that the injuries were simple in nature and the allegations are to the effect that petitioner No.3 had thrown respondent No.2 on the bed and had been teasing her. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The private parties are close relatives and an amicable settlement will help in maintaining the cordial relations between the parties.

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 of the close 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. 82 dated 30.11.2019 under Sections 354/323/34 IPC (Section 324 IPC added later on) registered at Police Station Bhani Mian Khan, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

16.12.2022

Janki

(VIVEK PURI)
JUDGE

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