

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-51287-2021

Date of Decision: 02.12.2022

HAKAM SINGH AND ORS

... PETITIONERS

VS.

GURVINDER SINGH AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Shrinkhla Singh, Advocate for  
Mr. Mayank Mathur, Advocate  
for the petitioners.

Mr. Kuldeep Singh, Advocate  
for the respondents.

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**VIVEK PURI, J.(ORAL)**

The petitioners are seeking to quash the complaint titled as 'Gurvinder Singh vs. Hakam Singh and others' and the summoning order dated 05.06.2017 (Annexure P-2) vide which the petitioners have been summoned under Sections 323, 354-B, 447 and 120-B IPC.

Briefly, as per the allegations of the complainant, on 03.06.2015, the petitioners had inflicted injuries on the person of respondents No. 1 to 4 and had also also outraged the modesty of respondent No.3. Although, the complaint was moved with regard to offence under Sections 307/308/323/354-A/354-B/354-C/354-D/425/447/452/120-B and 34 IPC but the petitioners have been summoned only with regard to commission of offence under Sections 323, 354-B, 447 and 120-B IPC.

On 13.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 13.09.2022, the statements of

the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Patiala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. It is submitted that present criminal complaint COMI-172/2015 has been filed by the complainant Gurvinder Singh against accused Hakam Singh, Kulvinder Singh and Kuldeep Singh for commission of offences u/s 307, 308, 323, 354-A, 354-B, 354-C, 354-D, 425, 447, 452, 120-B/34 IPC. Thereafter, vide detailed summoning order dated 05.06.2017, petitioner/accused Hakam Singh, Kulwinder Singh and Kuldeep Singh were summoned for commission of offences under sections 323,354-B,447,120-B,34 IPC.

2. Neither any of the accused/petitioners have been declared proclaimed offender in this criminal complaint nor any such PO proceedings are pending against them.

3. From the statement recorded by the parties, this court is satisfied that respondent/complainant Gurvinder Singh, victims Gurtar Singh, Surjan Singh and Kulwant Kaur and petitioners/accused Hakam Singh, Kulvinder Singh, Kuldeep Singh have entered into compromise voluntarily with their free will and without any coercion or undue influence and compromise between them is genuine.

4. As per the statement of parties, accused are not involved in any other case.

5. It is submitted that statement of investigating officer has not been recorded as no FIR has been registered in the present case and perusal of the present criminal complaint reveals that Gurvinder Singh, Surjan Singh, Gurtar Singh

and Kulwant Kaur are the only complainant/victim in the present criminal complaint and all of them appeared & recorded their separate statements with regard to compromise. ”

Learned counsel for the petitioners contend that the dispute between the parties has been amicably settled. They had also got recorded the statements in the Lok Adalat. Petitioner No.1 had also instituted a complaint against all the respondents and in terms of the amicable settlement, the same has been withdrawn. Petitioners No. 1 and 2 and the respondents are residents of same village and an amicable settlement will help in maintaining the cordial relations between the parties in future.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the aforesaid complaint 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, the complaint titled as 'Gurvinder Singh vs. Hakam Singh and others' and the summoning order dated 05.06.2017 (Annexure P-2) vide which the petitioners have been summoned under Sections 323, 354-B, 447 and 120-B IPC 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