

CRM-M-53215-2021
Date of Decision: 21.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Amandeep Chhabra, Advocate,
for respondents No.2 to 4.

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Through instant petition, the petitioners are seeking to quash the FIR No. 227 dated 27.11.2020 under Sections 451/341/506/34 IPC and later on Section 354 IPC has been added, registered at Police Station Nakodar Sadar, Jalandhar, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioners had committed trespass in the house of respondents No. 2 and 3, abused respondent No.2 and entered into brawl with him. Subsequently, respondents No. 3 and 4 were also attracted at the spot and pushes were also given to them.

On 15.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 15.07.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate Nakodar, has sent the report as following:-

*“In pursuance of the directions issued by the
Hon'ble Punjab & Haryana High Court, Chandigarh*

vide order dated 15.07.2022 passed in CRM-14028-2022 in CRM-M 53215 of 2021 titled as 'Amit Sharma and anothers Vs. State of Punjab and anothers', parties appeared on 17.08.2022 and their statements were recorded in writing. In view of the stetement suffered by the parties, this court is of the opinion that parties have arrived at a compromise voluntarily and without any kind of influence or coercion.

Report of ahlmad also called as per which no accused was declared as P.O. and challan against the accused in the present FIR has not been presented. Investigating Officer also suffered a statement as per which FIR was registered against four accused namely 1. Amit Sharma son of Gopal Krishan 2. Munish Kumar @ Manu Gautam son of Vasudev Gautam 3. Pardeep Kumar @ Sonu son of Satya Nand 4. Vishal Gautam son of Bakshi Ram Gautam all residents of Village Chuahar, Tehsil Nakodar, District Jalandhar and no any other accused was declared as proclaimed offender in this FIR.

1. There is no any other accused involved in the present FIR except the four accused mentioned above.

2. There is only one complainant and two victims (Rani and Sunita who were not made party earlier) in the present FIR.

3. There is no any accused has been declared as proclaimed offender.

Parties stated that they have no objection in case the FIR is quashed.”

Learned counsel for the petitioners contend that the matter has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The parties are the residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondents No.2 to 4 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. 227 dated 27.11.2020 under Sections 451/341/506/34 IPC and later on Section 354 IPC has been added, registered at Police Station Nakodar Sadar, Jalandhar, is ordered to be quashed, however, qua the petitioners only.

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

21.09.2022
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(VIVEK PURI)
JUDGE

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