

263/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54540-2021
Date of Decision: 26.04.2022

KASHMIR SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kunal Mittal, Advocate for
Mr. Varun Goel, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Maninder Singh Saini, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of DDR No.25 dated 29.08.2021 under Sections 341, 323, 506, 147, 149 and 500 IPC in case bearing FIR No. 0185 dated 27.08.2021 under Section 354-D IPC registered at Police Station Sirhind, District Fatehgarh Sahib, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the aforesaid DDR has been registered on the allegations that on 27.08.2021, the petitioners had caught hold of respondent No.2 from his hair, removed his turban, threw him, inflicted injuries, applied black paint on his face and put a garland of shoes around his neck.

On 18.01.2022 notice of motion was issued and 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 18.01.2022, learned Judicial Magistrate First Class, Fatehgarh Sahib has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1) As per statement of SI Harmanpreet Kaur there are eight persons namely Mahender Singh, Neero Devi wife of Mahender Singh, Kamlesh Kaur wife of Surinder Singh, Roshan Lal son of Mohinder Singh, Kashmir Lal son of Mahinder Singh, Parveen Kaur wife of Satpal Singh, Gurmeet Kaur wife of Roshan Lal and Kashmir Singh son of Joginder Singh arrayed as accused in the above noted DDR. Further as per the statement of complainant Harbhajan Singh, the names of Kashmir Lal son of Mahinder Singh and Neero Devi wife of Mahender Singh have been correctly mentioned in the memo of parties before the Hon'ble High Court, as Kashmir Singh son of Mahinder Singh and Jasvir Kaur wife of Mahender Singh respectively, who were identified by him to be the same persons as nominated by him in the above said DDR.

2) As per the statements of both the parties as well as SI Harmanpreet Kaur, no accused was/is declared as proclaimed offender in the above noted DDR.

3) As per the statements of both the parties as detailed above, the compromise arrived at between the parties, is genuine, voluntary, and without any coercion of undue influence.

4) As per the statements of accused persons, except the present case, there is no other case pending against them. Further as per the statement of SI Harmanpreet Kaur, the accused persons are not involved in any other case except the present case, registered at Police Station Sirhind.

5) As per the statement of Investigating Officer SI Harmanpreet Kaur, there is only one complainant as well as victim namely Harbhajan Singh in the above noted DDR. ”

Learned counsel for the petitioner contends that the matter has been amicably settled in terms of compromise, Annexure P-2 and it is a case

of version and cross-version. The parties are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

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 dispute of the co-villagers has been sought to be amicably settled. It is a case of version and cross-version. 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 DDR No.25

dated 29.08.2021 under Sections 341, 323, 506, 147, 149 and 500 IPC in

case bearing FIR No. 0185 dated 27.08.2021 under Section 354-D IPC registered at Police Station Sirhind, District Fatehgarh Sahib, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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