

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47371-2019
Date of Decision: 19.04.2022

PINDER SINGH @ PARVINDER SINGH AND ANOTHER
... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Monga, Advocate for
Mr. K.S.Brar, Advocate for the petitioners.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Lovepreet Handa, Advocate for
Mr. Amardeep Singh, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No.33 dated 06.02.2018 registered under Sections 451, 354, 427, 323,
506, 148, 149 Indian Penal Code at Police Station Raman, District Bathinda
and all the consequential proceedings arising therefrom, on the basis of
compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that on
29.01.2018 at about 1:30 A.M., both the petitioners along with 15-16
unknown persons committed house trespass, broke articles, inflicted injuries
and outraged the modesty of respondent No.2.

On 06.11.2019, 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 06.11.2019, learned Judicial Magistrate First Class, Talwandi Sabo has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“2. Accordingly both the parties appeared before this Court on 13.12.2019 and statements of both the petitioners/accused namely Pinder Singh @ Parvinder Singh and Gurtej Singh are residents of Village Dunewala, Tehsil Talwandi Sabo, District-Bathinda and respondent No.2/complainant Charanjit Kaur resident of village, Dunewala, Tehsil Talwandi Sabo, Distt. Bathinda, have been recorded. Both the parties stated that the matter has been compromised between the parties voluntarily and without any threat, coercion or undue influence. They further stated that the present FIR may kindly be quashed on the basis of the compromise. Statement of Investigation Officer ASI Gurmail Singh No.735/BTI, now posted at PS Raman has also been recorded.

3. It is submitted that in view of the statement of IO and as per record there are two accused in the present case who are the petitioners in the present petition.

4. It is submitted that in view of the statement of IO and as per record there is no accused declared proclaimed offender in the present FIR.

5. It is submitted that in view of the statement of IO, only present FIR has been registered against the accused and report U/S 173 Cr.P.C/challan has not been presented in this Court so far in the present FIR.

6. It is further humbly submitted that as per the statements of the parties, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. 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 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. 33 dated 06.02.2018 registered under Sections 451, 354, 427, 323, 506, 148, 149 Indian Penal Code at Police Station Raman, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

19.04.2022

Janki

(VIVEK PURI)
JUDGE

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