

HARJINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Saini, Advocate for
Mr. H.S. Batth, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Gaurav Kalsi, Advocate
for respondent Nos.2 to 5.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.86 dated 06.05.2018 under Sections 452/323/336/341/342/506/354/148/149 IPC, 1860 and Sections 25/27 Arms Act, 1959, registered at Police Station Sadar Patti, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 05.05.2018 at about 04:00 PM, the petitioners armed with dangs and pistols and had inflicted injuries on the person of respondent Nos.2 to 5. Besides, there are allegations to the effect that the clothes of respondent No.3 were torn. Petitioner Nos.1,7 and 8 had fired the gun shots in air from their revolvers/pistols.

On 12.02.2020, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 12.02.2020, learned Sub-Divisional Judicial Magistrate, Patti has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In pursuance of order dated 12.02.2020, passed by the Hon’ble Punjab and Haryana High Court in subject cited case, petitioners Harjinder Singh, Jobanpreet Singh, Hussanpreet Singh, Kanwaljit Singh, Ravinder Singh, Balwinder Singh, Gursahib Singh, Surinderpal Singh, Tarvinderpal Singh, Jaspal Singh, Gurpreet Singh and Yadwinder Singh appeared before this Court for recording their statements with regard to compromise on 13.09.2020 and got recorded their joint statement to the effect that they have entered into compromise with complainants out of their own sweet will and without any pressure or coercion. They requested that case registered against them be ordered to be quashed on the basis of compromise. Respondents No.2 to 5 namely Jagir Singh, Dalbir Kaur, Jasbeer Kaur and Rajbir Kaur also appeared to record their statement regarding compromise on 19.03.2020 and suffered joint statement that they have entered into compromise with accused Harjinder Singh, Jobanpreet Singh, Hussanpreet Singh, Kanwaljit Singh, Ravinder Singh, Balwinder Singh, Gursahib Singh, Surinderpal Singh, Tarvinderpal Singh, Jaspal Singh, Gurpreet Singh and Yadwinder Singh without any pressure and coercion and they have no objection if the FIR is quashed.

As per statement of ASI Hardial Singh, Investigating Officer of the case in hand, FIR was registered against twelve accused namely Harjinder Singh, Jobanpreet Singh, Hussanpreet Singh, Kanwaljit Singh, Ravinder Singh, Balwinder Singh, Gursahib Singh, Surinderpal Singh, Tarvinderpal Singh, Jaspal Singh, Gurpreet Singh and Yadwinder Singh who are petitioners before Hon’ble Punjab and Haryana High Court. The FIR was registered on the complaint of respondent No.2 Jagir Singh. All the accused and complainant and aggrieved persons have appeared for recording their statements in support of compromise so effected between them.

As per statement of ASI Hardial Singh, none of the accused has been declared proclaimed offender till date.

The case in hand is still pending at the stage of investigation and Challan has not been presented yet. So, the undersigned is satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of compromise dated 14.09.2019 (Annexure P-2). The parties are residents of the same village and an amicable settlement will help in maintaining the cordial relations between them in future. Furthermore, no fire arm injury has been attributed in the instant case and the fire arms allegedly used in the occurrence are licensed one.

Learned counsel for respondent Nos.2 to 5 states that he has no objection if FIR is quashed.

After hearing the 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 of the co-villagers 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. 86 dated 06.05.2018 under Sections 452/323/336/341/342/506/354/148/149 IPC, 1860 and Sections 25/27 Arms Act, 1959, registered at Police Station Sadar Patti, District Tarn Taran and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

23.08.2022
renubala

(VIVEK PURI)
JUDGE

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