

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52098-2019

Date of Decision: 12.12.2022

BIKRAMJIT SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gagandeep Singh Simble, Advocate,
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Deepshivjyot Mann, Advocate for
Ms. Anika Mehra, Avocate
for respondents No. 2 to 4.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.66 dated 09.06.2019 under Sections 452, 323, 354, 506, 148, 149 and 34 registered at Police Station Sadar Batala, District Gurdaspur and all the consequential proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that on 09.06.2019, the petitioners armed with weapons had inflicted injuries on the person of respondents No. 2 to 4 and also outraged their modesty.

On 06.12.2019, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 06.12.2019, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Batala, has sent the report which reads as under”-

*“Pursuant to the order dated 06.12.2019
passed by the Hon'ble High Court in Criminal
Misc. M-52098-2019 titled as Bikramjit Singh &*

Others Vs. State of Punjab & Others, report is hereby submitted to the effect that the statements of complainant/respondent no.2 Suman wife of Sarabjeet Singh r/o Ram Diwali Hinduan, Amritsar, District Amritsar, respondent no.3 Sukhwinder Kaur wife of Dharam Singh r/o Gujjarpura, District Gurdaspur and respondent no.4 Savinder Kaur wife of Harbans Singh r/o Village Nathwal, Balpurian, District Gurdaspur and accused/petitioners namely Bikramjit Singh son of Ranjit Singh, Harmanjit Singh son of Ranjit Singh and Ranjit Singh son of Harbans Singh, residents of Village Nathwal, Balpurian, District Gurdaspur recorded on 30.01.2020. This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that respondent no.3 Sukhwinder Kaur has filed affidavit wherein it is mentioned that real name of her husband is Dharam Singh but in quashing petition name of her husband is mentioned as Tarsem Singh instead of Dharam Singh.

It is further submitted that statement of concerned Investigating Officer ASI Tarlok Singh No.3046/Batala, P.S.Sadar Batala recorded. It is stated by concerned Investigating Officer that there are three persons arrayed as accused in this FIR. Investigation Officer further stated that in this case there is no accused declared as proclaimed offender. Concerned Investigating Officer further stated that in this case challan has been presented against accused Ranjit Singh son of Harbans Singh on 07.08.2019 and same is

pending for 13.02.2020 but supplementary challan against other two accused namely Bikramjit Singh & Harmanjit Singh sons of Ranjit Singh has not been presented till date. ”

Learned counsel for the petitioners contends that the injuries fall under Section 323 IPC. The petitioners and respondents No.2 to 4 are near relatives and an amicable settlement has been effected between them in terms of the compromise contained at Annexures P-2. An amicable settlement will help in maintaining cordial relation between them in future. He further submits that as per the report, the name of husband of respondent No.3 is stated to be Dharam Singh and has prayed for correction in the memo of parties.

The name of husband of respondent No.3 be corrected as Dharam Singh instead of Tarsem Singh. Registry is directed to do the needful.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she 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 of the relatives 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.66 dated 09.06.2019 under Sections 452, 323, 354, 506, 148, 149 and 34 IPC registered at Police Station Sadar Batala, District Gurdaspur and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

12.12.2022
smriti

(VIVEK PURI)
JUDGE

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