

**264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-54197-2019
Date of Decision: 26.07.2022**

**MUKHA SINGH @ MUKHTIAR SINGH AND OTHERS
... PETITIONERS**

V/S

**STATE OF PUNJAB AND OTHERS
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. TPS Makkar, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Anterpreet Singh, Advocate for
Mr. A.S.Chahal, Advocate for respondent Nos.2&3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 189 dated 14.11.2015, under Sections 354/452/324/323/148/149 IPC, registered at Police Station Guruharsahai, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the case has been registered on the allegations that on 11.11.2015, the petitioners had committed criminal trespass in the house of the complainant, inflicted injuries upon him and outraged the modesty of his daughter i.e. respondent No.3.

On 19.12.2019, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 19.12.2019, learned Sub Divisional Judicial Magistrate, Guruharsahai has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Further, it is submitted that no accused has been declared proclaimed offender in the present FIR and the challan in the present case has not been presented so far.

As per statements of the parties, compromise has been arrived at between the parties and same appears to be genuine, voluntarily, without any pressure or coercion, fear or threat and that no accused has been declared as Proclaimed Offender in this case and challan has not been presented in the court.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties. They are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos.2 & 3 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. 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. 189 dated 14.11.2015, under Sections 354/452/324/323/148/149 IPC, registered at Police Station Guruharsahai, District Ferozepur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.07.2022

Janki

(VIVEK PURI)
JUDGE

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