

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

**CRM-M-54194-2019
Date of Decision: 28.03.2022**

**HARDEV SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursimran Singh, Advocate for the petitioners.

Mr. A.S.Gill, Sr. DAG Punjab.

Mr. Sanjeev Banga, Advocate for respondent Nos.2 to 5.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.219 dated 02.12.2019, under Sections 452/354/324/323/34 IPC, registered at Police Station, Goindwal Sahib, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Briefly, the FIR has been registered on the allegations that on 20.11.2019 the petitioners had inflicted injuries on the person of respondent No.2 and outraged the modesty of respondent No.4.

On 18.12.2019 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 18.12.2019, learned Sub Division Judicial Magistrate, Khadur Sahib has recorded the statements of the parties and submitted her report, the relevant portion whereof reads as under:-

“1. In reference to the subject cited above, it is respectfully submitted that in compliance to the order dated 18.12.2019 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-54194 of 2019 in case titled as “Hardev Singh & others Vs. State of Punjab & Ors. In FIR No. 219 dated 02.12.2019, U/s 452/354/324/323/34, P.S Goindwal Sahib, it is submitted that three persons were arrayed as accused. Today, the complainant / respondent No.2 namely Gursewak Singh, complainant / respondent no.3 namely Narinder Singh, complainant/ respondent no.4 namely Nimal Kaur and complainant/ respondent no.5 namely Satnam Singh and the accused/applicant no.1 namely Hardev Singh accused/applicant no.2 namely Gurjinder Singh and accused/applicant no.3 namely Sajjan Singh, appeared in the Court of the undersigned for recording their statements.

The complainant/respondent no.2 namely Gursewak Singh, complainant / respondent no.3 namely Narinder Singh, complainant/ respondent no.4 namely Nimal Kaur and complainant/ respondent no.5 namely Satnam Singh and the accused/applicant no.1 namely Hardev Singh, accused/applicant no.2 namely Gurjinder Singh and accused/applicant no.3 namely Sajjan Singh made separate statements that they have compromised the matter with their free will, without any pressure and coercion/undue influence and that they have no objection if the aforesaid FIR be quashed on the basis of compromise.

2. The statement of Investigating Officer ASI Balbir Chand was also recorded, who mentioned that the present FIR was registered on the statement of complainant/injured Gursewak Singh s/o Narinder Singh against three accused namely Hardev Singh, Gurjinder Singh and Sajjan Singh and that there is neither any other accused nor another complainant/affected/aggrieved party other than respondents arrayed in the petition.

3. This Court is, therefore, of the considered opinion that the compromise between the

complainant and the accused persons has been arrived at and the same is genuine, voluntarily, without any coercion or undue influence with their free will.

4. The presented accused persons stated that they are not involved in any other FIR and no other case is pending against them before any Hon'ble Court."

Learned counsel for the petitioners contend that the parties are the residents of the same village and had a dispute regarding the land. The matter has been amicably settled between the parties in the version and cross-version case and the amicable settlement will help in maintaining cordial relations between the parties.

This aspect of the matter has not been disputed by learned counsel for respondent Nos.2 to 5 and he states that he has no objection if the FIR is quashed qua the petitioners.

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-3). 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 residents of the same village 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. 219 dated 02.12.2019, under Sections 452/354/324/323/34 IPC, registered at Police Station, Goindwal Sahib, District Tarn Taran and all the consequential proceedings arising therefrom are quashed qua the petitioners.

28.03.2022

Janki

(VIVEK PURI)
JUDGE

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