

CRM-M-640-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-640-2023

Date of Decision: 30.05.2023

DHANWANT SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. R.S.Dadwal, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Umesh Kumar Kanwar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners seek to quash the FIR No.0054 dated 23.06.2016 under Sections 324/323/506/34 IPC (Section 325 IPC added later on), registered at Police Station Sadar Raikot, District Ludhiana Rural and all the consequential proceedings arising therefrom on the basis of compromise
2. Briefly, the FIR has been registered on the basis of statement of respondent No.2 alleging that on 22.06.2016 at about 10:00 P.M., the petitioners had inflicted injuries on the person of respondent No.2.
3. On 09.01.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
4. In compliance of the order dated 09.01.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagraon, has sent the report and the same is reproduced here-in-below:-

*“Pursuant to the order dated 09.01.2023
passed by Hon'ble Punjab & Haryana High Court
in CRM-M-640 of 2023 titled as Dhanwant Singh*

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and others Versus State of Punjab & another, report is hereby submitted to the effect that the statement of complainant/respondent no.2 Amritpal Singh alias Goldi son of Ujjagar Singh, resident of Sukhana, Sakhana, Bhaini Baringa, Teshil Riakot, District Ludhiana and Petitioners/accused namely Dhanwant Singh son of Ujagar Singh, Jagandeep Singh @ Gaggi son of Ujagar Singh and Kulbir Singh @ Kaka son of Ujagar Singh, all residents of Sukhana, Sakhana, Bhaini Baringa, Tehsil Raikot, District Ludhiana, recorded on 16.01.2023. 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 statement of Inspector Rupinder Kaur No.151/LRT, now posted as SHO, P.S.Sadar Raikot, recorded to the effect that in the present case there is only one complainant namely Amritpal Singh alias Goldi son of Ujjagar Singh, resident of Sukhana, Sakhana, Bhaini Baringa, Teshil Raikot, District Ludhiana and three accused namely Dhanwant Singh son of Ujagar Singh, Jagandeep Singh @ Gaggi son of Ujagar Singh and Kulbir Singh @ Kaka son of Ujagar Singh, all residents of Sukhana, Sakhana, Bhaini Baringa, Tehsil Raikot, District Ludhiana. She further stated that no accused is proclaimed offender in the present case. She further stated that no accused is involved in any other FIR in the present case. ”

5. Learned counsel for the petitioner contends that simple injuries have been attributed to the petitioner. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The parties are

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residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

6. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

7. 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.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private 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.

9. 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***.

10. 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.0054 dated 23.06.2016 under Sections 324/323/506/34 IPC (Section 325 IPC added later on), registered at Police Station Sadar Raikot, District Ludhiana Rural and all the consequential

proceedings arising therefrom on the basis of compromise are ordered to be

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quashed, however, qua the petitioners only.

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

30.05.2023

manoj

(VIVEK PURI)
JUDGE

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