

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

CRM-M-1347-2023
Date of Decision: 25.05.2023

VIKRAM SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rahul Jaswal, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Akhil Dadwal, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioners are seeking to quash the FIR No.31 dated 29.04.2020, registered under Sections 323/324/452/427/188/34 IPC, at Police Station Hajipur, District Hoshiarpur and all the subsequent 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 28.04.2020, the petitioners committed trespass in her shop, inflicted injuries on her person, damaged the washbasin and also tore her clothes.

3. On 11.01.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

4. In compliance of the order dated 11.01.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class,

Mukerian, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It is most humbly submitted that the separate statement of the Investigating Officer was recorded in which he stated that he was the investigating officer of case. He further stated that the present FIR No.31 dated 29.04.2020 was registered on the complaint of Rita Devi against the accused persons namely Om Parkash, Vishal and Vikram Singh alais Karan. Therefore, in view of the statement of the Investigating Officer, accused arraigned in the FIR No.31 dated 29.04.2020, Under Sections 323, 324, 452, 427, 188, 34 of IPC, Police Station Hajipur, Distt. Hoshiarpur, are Vikram Singh, Vishal Thakur @ Panku and Om Parkash who appeared and got recorded their separate statements.

2. It is further humbly submitted that the Investigating Officer, ASI Namdev got recorded his statement to the effect that no person has been declared as proclaimed offender in the present case.

3. It is respectfully submitted that in view of the statements got recorded by both the parties and the Investigating Officer, this court is satisfied that the compromise effected between them seems to be genuine, voluntary and is not the result of any pressure, coercion or undue influence.

4. It is further humbly submitted that the Investigating Officer, ASI Namdev got recorded his statement to the effect that no accused persons are involved in any other case.

5. It is further respectfully submitted that the separate statements of the complainant as well as

Investigating Officer were recorded in which they stated that only one victim/complainant namely Rita Devi wife of Avtar Singh, resident of Village Pankhu, P.S.Hajipur, Distt. Hoshiarpur in the present FIR. Therefore, in view of the statement of the Investigating Officer, in the present FIR there is one victim/complainant namely Rita Rani wife of Avtar Singh, resident of Village Pankhu, P.S.Hajipur, Distt. Hoshiarpur who got recorded her statement.”

5. Learned counsel for the petitioners contend that the offence under Section 354 IPC has not been invoked in the challan. Petitioner No.1 is also known by the name of Karan Kumar. The dispute has been amicably settled between the parties in terms of compromise dated 06.01.2023 (Annexure P-3). The injuries attributed to the petitioners are simple in nature. The parties are the residents of same village and an amicable settlement will help in maintaining the cordial relations between them 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.31 dated 29.04.2020, registered under Sections 323/324/452/427/188/34 IPC, at Police Station Hajipur, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

25.05.2023
smriti

(VIVEK PURI)
JUDGE

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