

2023:PHHC:055630

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3461-2023

Date of Decision: 20.04.2023

TARSEM SINGH AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.Vipul Aggarwal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Ms. Sunita Gupta, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Short reply by way of affidavit of Manmohan Singh Aulakh,
Deputy Superintendent of Police, Sub Division Majitha, District Amritsar
(Rural), on behalf of the State has been taken on record.

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 104 dated 13.05.2020, registered under Sections
323/324/341/452/148/149 IPC, 1860, at Police Station Kathu Nangal,
District Amritsar and all the consequential proceedings arising therefrom,
on the basis of compromise (Annexure P-2).

On 23.01.2023 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 23.01.2023, learned Judicial

Magistrate First Class, Amritsar has recorded the statements of the parties

and submitted his report, the relevant portion whereof reads as under:-

- “i) As per the FIR and the statement of the IO, there are ten accused persons in the present FIR.
- ii) As per the statement of the IO, none of the accused is a proclaimed offender.
- iii) After perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and out of free will of the parties arrayed in the present petition.
- iv) As per the statement of the IO, none of the above said accused persons is involved in any other FIR.
- v) As per the statement of the IO, there is only one complainant/victim namely Ajit Singh s/o Kartar Singh in the present case. ”

Learned counsel for the petitioners contend that one of the accused, namely, Sarabjit Singh has died on 14.03.2021 and Annexure P-3 is the copy of death certificate. It has been further submitted that the FIR has been registered on the allegations that the petitioners along with the co-accused, Sarabjit Singh had committed trespass in the house of respondent No.2 and inflicted injuries upon his person. The injuries are stated to be simple in nature. The injured has not suffered any disability. The dispute has been amicably settled between the parties in terms of compromise dated 14.06.2022 (Annexure P-2). The parties are the residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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 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.

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. 104 dated 13.05.2020, registered under Sections 323/324/341/452/148/149 IPC, 1860, at Police Station Kathu Nangal, District Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

20.04.2023

Janki

(VIVEK PURI)
JUDGE

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