

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4682-2023
Date of Decision: 27.04.2023

AIYUB BHAI RUSTAM PATEL AND ANR. ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Sohrab Dhanda, Advocate for
Mr. M.S.Rana, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0194 dated 08.08.2020 under Sections 323/341/506 and 34 IPC and Sections 406 and 420 IPC added later on, registered at Police Station Moti Nagar, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

2. On 30.01.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 30.01.2023, the statements of the parties have been recorded and the learned Judicial Magistrate, 1st Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In compliance of the order dated 30.01.2023 passed by the Hon'ble High Court of Punjab and Haryana, Chandigarh, in CRM M-No.4682-2023, it is humbly submitted that on 10.02.2023 complainant Baljinder Singh and accused persons namely Aiyub

Bhai Rustam Patel and Mustakh Patel appeared before this Court and got recorded their separate statements. Thereafter, IO ASI Surjit Singh got recorded his statement that there are two accused persons namely Aiyub Bhai Rustam Patel and Mustakh Patel in the present case. He further stated that neither any of the accused has ever been declared as proclaimed offender nor any other criminal case is pending against them. From the statement of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise. Further all the accused are party to the compromise.”

4. Learned counsel for the petitioners contend that initially, the FIR was registered under Sections 323, 341, 506 and 34 IPC and subsequently the offence under Sections 406 and 420 IPC have been added. The allegations were to the effect that the petitioners had given beatings and torn the clothes of respondent No.2. There was no visible marks of injury on the person of respondent No.2. The petitioners were having business dealing with respondent No.2. A sum of Rs.2.5 crore was allegedly due payable by the petitioners to respondent No.2. The dispute has been amicably settled between the parties in terms of compromise, Annexure P-4. The petitioners have paid a sum of Rs.1.5 crore in full and final settlement of the claim of respondent No.2. The parties were having business relations and an amicable settlement will help in maintaining cordial relations between them in future.

5. 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.

6. 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.

7. 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.

8. 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***.

9. 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.0194 dated 08.08.2020 under Sections 323/341/506 and 34 IPC and Sections 406 and 420 IPC added later on, registered at Police Station Moti Nagar, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

27.04.2023
smriti

(VIVEK PURI)
JUDGE

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