

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4765-2023
Date of Decision: 27.04.2023

ABHIJIT SINGH MAND @ AVI MAND AND ANOTHER
... PETITIONERS

VS.

STATE OF PUNJAB AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Harmanpreet Singh, Advocate for
Mr. Jitender Singh Dadwal, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Sanjeev Kumar, Advocate
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0330 dated 16.12.2022 under Sections 379/323/341/506/148 and 149 IPC registered at Police Station Division No.5, Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise.
2. Short reply by way of affidavit of Jasroop Kaur Batth, ACP, Civil Lines, Ludhiana on behalf of respondent No.1-State has been placed on record.
3. On 31.01.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
4. In compliance of the order dated 31.01.2023, the statements of the parties have been recorded and the learned Judicial Magistrate, 1st Class (D), Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1) This case was registered against accused
namely Abhijit Singh and Jasdeep Singh @ Jeppy*

and 7-8 unknown persons.

2) Accused Abhijeet Singh Mand @ Avi Mand, Jaganjot Singh @ Jaypee and complainant Jasdeep Singh are parties to the compromise Ex.C1. Victim Jagjit Singh is not party to compromise Ex. C1 but he has suffered statement regarding compromise before the Court. The unknown 7-8 accused are not party to the compromise.

3) No accused has been declared Proclaimed offender or any such proceedings have been initiated or pending decision.

4) This case is at the stage of investigation and no accused has joined the investigation.

5) Compromise effected between complainant Abhijit Singh Mand, Jaganjot Singh Jasdeep Singh and Jagjit Singh is genuine, voluntarily and out of their free will. ”

5. Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners boarded the jeep wherein respondents No. 2 and 3 were travelling. They inflicted injuries on the person of respondent No. 3 and also took away golden chain weighing 5½ tolas belonging to respondent No.2. Subsequently, the assailants fled away. It has been submitted that the dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The parties were previously known to each other and were on friendly terms. The amicable settlement will help in maintaining cordial relations between the parties in future.

6. Learned counsel for respondents No.2 and 3 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.0330 dated 16.12.2022 under Sections 379/323/341/506/148 and 149 IPC registered at Police Station Division No.5, Ludhiana 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.

27.04.2023
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(VIVEK PURI)
JUDGE

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