

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4012-2020

Date of Decision: 17.01.2023

AMARJIT SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Daman Jeet Bhoariwal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. A.S.Prajapati, Advocate for
Mr. J.S.Waraich, Advocate
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.30 dated 21.04.2019 under Sections 323/324 and 34 IPC (Section 326 IPC added later on) registered at Police Station Talwandi Bhai, District Ferozepur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.01.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 30.01.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ferozepur has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the above said statements got recorded by parties on both the sides, it comes out that parties on both sides have compromised the matter without any pressure and out of their free Will. There seems to be no inducement or influence on the parties in arriving at the

compromise. Therefore their compromise seems to be voluntary, genuine one and without any coercion or undue influence as they wish to live in peace and harmony. There is no other victim, complainant or accused persons except the ones mentioned above. No accused has been declared proclaimed offender in the present case. The accused persons are not involved in any other case. ”

Learned counsel for the petitioners contend that it is case of version and cross-version and an amicable settlement has been effected between the parties in both the cases in terms of compromise, Annexure P-3. Injury under Section 326 IPC is on the left wrist of respondent No.2. However, such injury has not resulted in any disability much less permanent disability. The injured are hale and hearty. The parties are residents of the same village and amicable settlement will help in maintaining the cordial relations between the parties in future.

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.

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.

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*.

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.30 dated 21.04.2019 under Sections 323/324 and 34 IPC (Section 326 IPC added later on) registered at Police Station Talwandi Bhai, District Ferozepur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

17.01.2023
smriti

(VIVEK PURI)
JUDGE

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