

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5156-2023
Date of Decision: 01.05.2023

MOHAMMAD LATIF @ GADDI AND OTHERS... PETITIONERS
VS.
STATE OF PUNJAB AND OTHERS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mohd. Yousaf, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Abdul Aziz, Advocate
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.09 dated 21.01.2023 under Sections 307/323/341/148 and 149 IPC registered at Police Station City-II, District Malerkotla and all the subsequent proceedings arising therefrom on the basis of compromise.

2. On 10.03.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 10.03.2023, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Malerkotla has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Thereafter, the statement of IO SI Nirbhai Singh, No.720/Moga, posted at PS City-II, Malerkotla, was recorded on 11/4/2023 that there were five accused persons i.e. Mohd. Latif @ Gaddi, Mohd. Saqib @ Ranjha, Mohd Shahid @ Shabbi @ Billa and two unknown persons, involved in the present case. Out of three accused, no accused was declared as

proclaimed offender. They are not involved in any other case. There is one complainant namely Abdul Majid and one injured Avtar Singh are involved in the present FIR. Only the FIR is received in the Court. No arrest of the accused was made in the present FIR.

From the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. ”

4. Learned counsel for the petitioners contend that as per the allegations, the petitioners had inflicted injuries on the persons of respondents No. 2 and 3. One of the injuries on the person of respondent No.2 is stated to have been declared to be under Section 307 IPC. It has been further submitted that as per the status report submitted by respondent No.1, the injuries on the person of respondent No.2 had been caused by means of blunt weapons and the same have been declared to be simple in nature. In such circumstances, it becomes doubtful, if the offence under Section 307 IPC is attracted in the instant case or not. The compromise has been effected and the dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The parties are residents of the same area 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. Furthermore, the injuries on the person of respondent No.2 are stated to have been caused by means of blunt weapon and have been declared to be simple in nature. As such, it remain doubtful as to whether the offence under Section 307 IPC is attracted or not.

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.09 dated 21.01.2023 under Sections 307/323/341/148 and 149 IPC registered at Police Station City-II, District Malerkotla and all the subsequent 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.

01.05.2023
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(VIVEK PURI)
JUDGE

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