

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6500-2023
Date of Decision: 28.03.2023

MANJIT KAUR AND ORS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Ranbir Singh Rawat, Advocate for
Ms. Gaganbir Kaur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.59 dated 12.07.2018 under Sections 326, 324, 323, 506, 148 and 149 IPC registered at Police Station Tibber, District Gurdaspur on the basis of compromise.

On 08.02.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 08.02.2023, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Gurdaspur has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In the light of the statements suffered by respondent No.2 Ranjodh Singh (complainant), and petitioners aforementioned, I am of the considered view that compromise entered between the parties is genuine, voluntary and is free from any threat, pressure or undue influence. It is further most humbly submitted that as per statement of Investigating Officer Inspector (Retired)

Bhappi Masih, none of the petitioners have been declared as proclaimed person. Except this case, there is no other criminal case/cross-case pending against each other”

Learned counsel for the petitioners contend that as per the allegations, on 09.07.2018, the petitioners had inflicted injuries on the person of respondent No.2. The dispute has been amicably settled in terms of the compromise, Annexure P-2. It has been further submitted that the injury under Section 326 IPC is on the right elbow of respondent No.2. None of the injuries has been resulted any disability much less permanent disability. The parties are residents of the same village and an amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel appearing 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.

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.59 dated 12.07.2018 under Sections 326, 324, 323, 506, 148 and 149 IPC registered at Police Station Tibber, District Gurdaspur on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

28.03.2023
smriti

(VIVEK PURI)
JUDGE

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