

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7528-2023

Date of Decision: 12.04.2023

DEVI LAL AND ANR

... PETITIONERS

V/S

STATE OF HARYANA AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Joginder Siwach, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ashish Tewatia, Advocate
for respondent Nos. 2 and 3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 145 dated 31.05.2017 under Section 148, 149, 323, 452, 506 IPC registered at police Station Adampur, District Hisar (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

In compliance of the order dated 13.02.2023, learned Judicial Magistrate Ist Class, Hisar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“(i) As per the statement of the IO namely ASI Ramji Lal and records of the case, six persons namely Devi Lal, Vikram, Kaushalya, Rekha, Manju and mother of Devi Lal namely Reshmi wife of Nand Lal had been arrayed as accused in the FIR. However, during investigation four accused namely Kaushalya, Rekha, Manju and Reshmi wife of Nand Lal had

been found innocent and challan had been filed only against accused Devi Lal, and Vikram.

(ii) As per statement of the IO, no accused has been declared proclaimed offender/person.

(iii) With regard to the report sought by the Hon'ble High Court, it is most respectfully submitted that the undersigned is satisfied with regard to the genuineness and voluntariness of the compromise and that the same is not result of any pressure or coercion in any manner. Both the parties have suffered their separate statements regarding their compromise voluntarily.

(iv) As per statement of the IO, accused persons are not involved in any other case.

(v) As per statement of the IO as well as records of the case, there are two victims/complainants namely Ravinder @ Ravinder Singh and Subhatin Bai in the present case.

Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners alongwith others have committed trespass in the house and inflicted injuries upon respondent Nos. 2 and 3. The injuries are stated to be simple in nature and fall under Section 323 IPC. The challan has been presented only against the petitioners. The dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2), the parties are residents of the same village and amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos. 2 and 3 has acknowledged the fact of compromise and further stated that he has no objection, if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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. 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***.

Accordingly, the present petition is allowed and FIR No. 145 dated 31.05.2017 under Section 148, 149, 323, 452, 506 IPC registered at police Station Adampur, District Hisar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.04.2023

manoj

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No