

CRM-M-6319-2020
Date of Decision: 27.01.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Paramjeet Phor, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 13.02.2020, the statements of the parties have been recorded and the learned Civil Judge (Jr. Division), Gurugram has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In furtherance of the said directions statements of parties viz of complainant and of accused persons duly identified were recorded. It has been verified that complainant and the accused have entered into compromise voluntarily and same is genuine. Further, the statement of IO ASI Anil Kumar is also recorded to the effect there

is no PO proceeding pending against the accused in the present case.”

Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the petitioners had inflicted fist and slap blows and torn the clothes of respondent No.2. The dispute has been amicably settled between the parties. The injuries are under Section 323 IPC and an amicable settlement will help in maintaining cordial relations between the parties.

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.

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.464 dated 22.09.2019 under Sections 323 and 506 IPC registered at Police Station Sector-40, Gurugram and all the consequential 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 petition stands allowed.

27.01.2023
smriti

(VIVEK PURI)
JUDGE

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